

Architectural Control Manual

Refer to Declaration of Covenants, Conditions and Restrictions

Article V – Architectural Control

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Section 1. Architectural Control

A. Purpose of Control (*Why we need controls*)

It is imperative and fundamental for THE FOREST CLUB to maintain the overall appearance of properties in The Forest neighborhood within the guidelines of compatibility and community safety. Without such controls and review, our neighborhood is subject to careless or conflicting construction styles and colors that may result in an inferior or run down appearance, decreasing property values or public safety.

It is the role of the Architectural Review Committee to manage this necessary task. It is recognized that in the administration of this duty, it may appear that some decisions are subjective. However, THE FOREST CLUB strives in all cases to reduce each decision to application of objective criteria. When a unique situation is presented, decisions are based solely on the application of the facts presented to the standards listed in Article V, Section 2 of the Declaration of Covenants, so that, to the extent possible, subjectivity is not a major factor in the decision making process.

B. Scope of Control (*What work must be approved by the Committee and/or the city*)

1. Generally, the need for approval applies to any work that will structurally and/or cosmetically (including painting) change the outside appearance of a residence or lot requiring construction, erection or assembly of materials. Details can be found in Section 7 of this document.
2. There are some projects and modifications for which Architectural Review Committee approval is not required. These are listed in Section 8 of this document.
3. The Architectural Review Committee is not responsible for control of “non-structural” improvements or embellishments made to residential lots, such as yard decorations. If there is a question regarding approval, please refer to THE FOREST CLUB Guidelines regarding yard decorations.

C. Practice of Control (*How the process works*)

It is the intention of the Board and the Architectural Review Committee to process every application in a timely manner and, where possible, to approve all requests according to the residents wishes, or as close thereto as is possible, consistent with the requirements of THE FOREST CLUB’S governing documents and established criteria. A request will typically be denied only if it compromises or could compromise:

1. Personal safety and/or use of real or personal property.
2. Community compatibility, as set forth in Article V, Section 2 of the Declaration of Covenants
3. THE FOREST CLUB’S governing documents and Rules and Regulations or other applicable codes or regulations.

Section 2. Residential Appearance

In the processing of requests, the Architectural Review Committee will be guided by the following items:

1. Compatibility of external design and location to surrounding structures and topography. See Section 7 #4 of this document.
2. Type or size of proposed improvement and location on the lot.
3. Personal safety.
4. THE FOREST CLUB'S, and other applicable governmental code, governing documents or regulations.

Section 3. Municipal Permits

1. Residents must comply with building and zoning regulations of the City of Lake Mary, Florida, Seminole County, Florida and the State of Florida, including proper building permits.
2. Prior to and separate from obtaining approval from the Architectural Review Committee, each owner must obtain and produce a true copy of any permit or approval required by law to be obtained from a municipality or other government authority.

Section 4. Architectural Review Committee meetings

Regular meetings will be scheduled at the discretion of the Architectural Review Committee chairperson. It is the goal of this committee that meetings shall be held no less frequently than monthly.

There are times when it may not be possible for a full committee to be present to process requests. The following provisions are meant to help with this problem.

1. The Architectural Review Committee will consist of a minimum of three residents and a maximum of seven residents who will agree to serve with the prior approval of the Board of Directors for an unspecified term. Any member of the Committee may be designated as chairperson. In addition, present at the meetings is a member of the Board of Directors who serves as liaison to the Board of Directors.
2. Only a quorum of the Committee is necessary to make decisions.

A quorum of the Architectural Review Committee shall be a majority of the members present at a duly noticed meeting of the Architectural Review Committee. As required by law, all Architectural Review Committee meetings shall be noticed in the same manner as that of a Board meeting, with at least 48 hours prior posted notice. Thus, all requests must be in the office 72 hours in advance of a meeting date.x

A request for approval shall be deemed submitted on the date when all items required to be submitted have been fully and truthfully completed and have been received by the Architectural Review Committee. Incomplete submissions that are not completed within 30 days of the submission of the first item of such incomplete submission to the Architectural Review Committee shall be deemed denied without prejudice.

If it appears that a fully and truthfully completed submission that includes all required information and forms, may not be heard at a regularly scheduled Architectural Review Committee meeting (to be held within thirty (30) days of submission), any member of the Architectural Review Committee may call a special Architectural Review Committee meeting. Notice of such special meeting will be posted 48 hours prior to the meeting. Records of all activity will be maintained in the residence files in the office. A log of approved requests is generally maintained by the Architectural Review Committee chairperson.

If a fully completed request is not duly processed within thirty (30) days from the date of the first regular Architectural Review Committee meeting date after submission, that request is deemed fully processed and approved.

Section 5. Committee duties defined

1. No member of the Committee may, at any time, sign or give approval for his or her own work or for any work he/she is doing for someone else.
2. The Committee will consider written requests only. All requests collected since the last meeting will be considered and acted upon in some manner.
3. Architectural Review Committee members may make periodic and final inspections to ensure timely completion and conformity to plan. If a Board member makes such inspection, at least one member of the Architectural Review Committee will generally be present at the same time. This inspection does not replace or supersede any inspection required by the municipal body from which a permit is issued.
4. No request will be approved or denied with less than a majority vote of a quorum of the Committee as defined herein.
5. The morning following each meeting or as soon as feasible, the Chairperson will obtain a copy of each processed application and return it to the respective applicant's residence.
6. If a resident violates the Architectural deed restrictions by initiating a project without authorization, the Architectural Review Committee will contact the resident and ask them to complete and submit an architectural request. If the project does not comply with existing rules, it will be referred to the Board of Directors for action.

Section 6. General Rules

The Architectural Review Committee and residents are subject to the following rules approved by the Board of Directors. No alterations or changes to these rules may be made without Board of Directors action and approval.

1. **Any addition, exterior alteration, modification or change** must be the same material as on the original building or be compatible with THE FOREST CLUB guidelines as stated in the Declaration of Covenants.
2. **Any new home installation** will require special consideration. Refer to separate control manual.
3. **Any new, detached permanent structure** which will be added to a lot must be compatible with any and all existing structure on a lot.

Section 7. Projects Requiring Architectural Review Committee Approval

No building, fence, deck, wall, roof, and ramp (excluding handicap ramps) or other permanent structure shall be commenced or erected upon any lot, nor shall any exterior addition or change or alteration to any lot be made until the plans and specifications showing the improvement or change shall have been submitted to and approved in writing by the Architectural Review Committee. The submittal shall also contain other information as may be required by the Architectural Review Committee. Such projects which shall require approval by the Architectural Review Committee include but are not limited to:

1. **Buildings, fences, decks, walls, roofs, and ramps** (excluding handicap ramps) or other permanent structures.
2. **Exterior additions to or alterations** to any buildings, fences, decks, walls, roofs or other permanent structures, including roof replacement color.
3. **All exterior painting** requires Architectural Review Committee approval. Color chart of approved colors is available in the office. Whereas some of the existing homes in THE FOREST CLUB are painted in colors appropriate for their respective time periods, all paint requests will still require an approval of the Architectural Review Committee to determine the appropriateness of the colors chosen at the time of your request. It is required that the skirting on your home be painted the same color as the main body of the structure.
4. **Ponds or permanent ditches**, including removal or addition of soil so as to change the topography of any lot.

5. **Permanent “non-construction” structures** such a trellises, lattice work, bridges, yard swings or wells visible from the street.
6. **Permanent walkways and driveways** must be designed to conform to the general area (color to match color charts on file in the office). Any request to modify or add a permanent walkway/driveway must include the following:
 - A. A plot diagram with accurate dimensions.
 - B. Construction material and color proposed (color to match color charts on file in the office).
 - C. Permitted and inspected by the City of Lake Mary.
7. **Fences and sheds/storage buildings.** Fencing over 6 feet high and chain link fencing are prohibited. Fencing and sheds/storage buildings shall not protrude further forward toward the street than the front of the principle structure or residence (excluding windows) on any lot. Fencing may be of wood, aluminum or PVC. Any request to modify or add a fence must include the following:
 - A. A plot diagram with accurate dimensions.
 - B. Construction material and color proposed.
8. **Stand-alone “lampposts”.** It will be necessary to include a plot diagram with any request to install a stand-alone “lamppost”. Approval from the City of Lake Mary may be required for any external electrical wiring necessary. Lights must be equipped with screening or hooding to prevent light from shining onto neighboring property.
9. **Patios of cement, stone, bricks or pavers at ground level.** It will be necessary to include a plot diagram with any request to construct a patio. A city permit may be required.
10. **Exterior antennas and /or aerial reception devices** which will be subject to the Federal Telecommunications Act of 1996. Under the law, any antenna or such aerial reception device not exceeding 39” in diameter or any other device used for receiving television signals over the air is allowed on property that is under the exclusive use of the property resident. Location on the lot must be inconspicuous to by-passers unless it must be placed in plain view to receive a quality signal or to limit installation and maintenance costs.
11. **As ground cover,** lot owners may use pine needles, leaves, wood chips, mulch, low growing plants such as ivy or any combination of these which gives the appearance of orderly maintenance. Should the lot owner choose grass as an alternative the following restrictions will apply:
 1. Grass heights must be kept at or below 4 inches.
 2. Edging of grass area is required for neatness.
 3. Sufficient watering to maintain a healthy lawn is required.

4. Any lot owner away from their property longer than 2 consecutive weeks must provide The Forest Office with the name and phone number of the company/person responsible for maintenance in their absence.

Section 8. Projects NOT requiring Architectural Review Committee approval – May still require city approval. (This is the resident’s responsibility).

1. **Maintenance and repairs** that do not alter or modify the appearance of the structure. For painting, refer to Section 7 #3 above.
2. **Landscaping work or planting.** Planting of natural vegetation is encouraged. Especially consider “Florida Friendly” and xeriscaping plantings.
3. **Security lighting.** Lights must be equipped with screening or hooding to prevent light from shining onto neighboring property.
4. **Entrance ramps and mechanical lifts for handicapped residents.** These additions generally must be approved by the City of Lake Mary and meet Americans with Disabilities Act requirements.
5. **Landscaping timbers and cement borders along the street.** No permit is required to place a border along the street. However, there are some potential points to keep in mind:
 - A. Your actual property line is not at the edge of the blacktop. There is an easement from the center of the street(s), extending 20 feet into your yard from that point. Therefore, the street edging in front of your house is on easement property.
 - B. If someone injures him or herself or damages a tire on edging along your property, the liability for any personal injury or property damage falls on you, the property owner.
 - C. It is also your responsibility to keep street edging in good repair and not encroaching on the blacktop street.
6. **Carport slab colors.** Carport slabs (beneath the roofline only) are considered as garage floors and therefore not part of the driveway. Colors for carport slabs should be complementary to the house and carport interior. It is advisable to choose a color and product that will endure tire marks and resist oil and grease stains.

If your project improvement is not listed in either of the above categories, please submit an Architectural Review Committee request per the procedure in Section 10.

Section 9. Renters

Renters must comply with all Architectural Review Committee rules. In addition, written owner approval is mandatory prior to commencement of modifications or improvements to the lot.

Section 10. Request submission procedure

1. Residents and/or owners are to submit requests to The Forest office, not directly to the Architectural Review Committee members. Requests must be submitted at least 72 hours prior to the scheduled

A.R.C. meetings, which are held on the 1st and 3rd Thursdays of each month at 10:30 A.M. It is the responsibility of the Architectural Review Committee chairperson to check with the office on a timely basis for applications and to conduct an immediate review of each application to determine whether all required materials have accompanied the application. If the application does not contain all necessary materials the chairperson shall notify the applicant in writing prior to the end of thirty (30) days from the date of the original submission that it has been denied without prejudice for resubmission.

2. Fully complete requests are collected in the office until the next Architectural Review Committee meeting. Scheduled dates and times for such meetings are to be published 48 hours in advance, giving proper notice pursuant to Florida statutes.
3. Sketches, drawings or plot diagrams, material and color samples, specifications showing the nature, size, composition, location and final appearance of the proposed changes or improvements will be required for the following:
 - A. Any request that changes in any manner the outside of a structure, driveway or permanent walkway.
 - B. Any new home installation – See separate control manual.
 - C. If required by the City of Lake Mary or other municipality.
 - D. Upon request by the Architectural Review Committee.
4. Only tentative approval may be granted until receipt of city permit.
5. If a proposal is denied, the applicant may resubmit the request with new and/or additional information.
6. Final appeal of a denial by the A.R.C., except denial without prejudice for failure to provide all needed documentation, may be made to the Grievance/Fining Committee. All available supporting documentation must be presented at this time. The Grievance/Fining Committee will then present their decision to the Board of Directors. If such appeal results in legal action, the resident shall be liable for all associated costs including attorneys and paralegals fees, if any, should any legal resolution be in favor of THE FOREST CLUB.

Section 11. Penalties

Violations of any of the rules and regulations or policies or procedures contained in this document could result in monetary penalties as set forth in the Association's governing documents.

