

PARK HARBOR
ARCHITECTURAL REVIEW COMMITTEE
CHARTER

1.1 Purpose. The Architectural Review Committee (“ARC”) is the governing authority for the review and approval of Improvements within Park Harbor. An Improvement is defined as any new construction or construction of any type other than normal maintenance/repair which in any way alters: (a) the exterior appearance, including the removal, of any structure or appurtenance of every type and kind located on any property which is subject to the terms of the Amended and Restated Bylaws of Park Harbor Property Owners Association (the “Bylaws”) and the Sixth Amended and Restated Restrictions for Park Harbor Subdivision, and any amendments thereto (the “Declaration”) or (b) drainage easements or roadway bar ditches, including drainage and driveway culverts. Such Improvement shall be performed only with the prior written approval of the Architectural Review Committee.

The vote of a majority of all of the members of the Architectural Review Committee shall constitute an act of the Architectural Review Committee.

1.2 Appointment of Architectural Review Committee. The Architectural Review Committee (ARC) will consist of three members appointed by the Park Harbor Property Owners Association’s Board of Directors (“Board of Directors”). Only members of the Park Harbor Property Owners Association may serve on the ARC. Both full-time and part-time residents will be considered for appointment. Members of the Board of Directors, their spouses, or any other individual living in a board member’s residence may not serve on the ARC.

1.3 Term. Each member of the Architectural Review Committee shall hold office for 2 years or until such time as they have resigned, been removed by the Board of Directors, or their successor has been appointed, as provided in Section 1.2. A member of the ARC may be reappointed for an unlimited number of consecutive terms.

1.4 Adoption of Rules. The Architectural Review Committee may adopt such procedural rules; substantive rules; or rely on historical precedents, not in conflict with the Bylaws or the Declaration except as provided herein (Section 1.8), as it may deem necessary or proper for the performance of its duties.

1.5 ARC Application. An Owner’s request for approval related to an Improvement shall be made by submitting an ARC Application. The information requested in the ARC Application shall include Plans and Specifications including any and all documents designed to guide or control the construction or erection of the proposed Improvement, along with details as to the following:

1. Type of alteration proposed
2. Type and purpose of addition being proposed
3. Materials to be used
4. Paint color or finish to be used, if applicable
5. Detailed plans or drawings of the work, including elevation
6. Excavation, grading and drainage plans
7. Installer or contractor credentials
8. Any necessary permits required
9. Schedule for completion

The ARC's approval of any submitted application shall require:

- A. An Owner's Attestation that any damage, as determined by the ARC, to roads, rights of way, drainage, neighboring properties, or common areas of Park Harbor, will be repaired solely at the Owner's (i.e. the Owner submitting the ARC Application) expense.
- B. A Contractors and Services Companies Attestation that restricts the hours of work on site from 8:00 a.m. to 6:00 p.m. Monday through Saturday. Holidays are excluded from service days. Emergency access for service or repair is allowed at any time. Because the hours are within the time frame the gate is open, no contractor or service personnel working in Park Harbor shall be given the gate codes.
- C. A Certificate of Insurance provided by the contractor as proof of general liability insurance.

1.6 Reviews of Proposed Construction. When the approval of the Architectural Review Committee is required, it shall consider all of the Plans and Specifications for the Improvement in question and all other facts and information which, in its sole discretion, it considers relevant. The ARC may require an Owner to provide such other information as it deems relevant.

Except as otherwise specifically provided herein, prior to the commencement of any construction of any Improvement on the Owner's property or any portion thereof, the Plans and Specifications shall be submitted to the Architectural Review Committee, and construction thereof may not commence unless and until the Architectural Review Committee has approved such Plans and Specifications in writing and any other documents as required for approval have been received and any other conditions have been met. The Architectural Review Committee may postpone review of the Plans and Specifications until such time as the Architectural Review Committee has received all information requested. The Architectural Review Committee shall consider and act upon any and all Plans and Specifications submitted for its approval pursuant to the Declaration and perform such other duties assigned to it by the Declaration or as from time to time shall be assigned to it by the Board of Directors, including the inspection of construction in progress to assure its conformance with Plans and Specifications approved by the Architectural Review Committee.

The approval of the Architectural Review Committee shall not be deemed approval from the standpoint of structural safety, engineering soundness, or conformance with building or other codes.

1.7 Plan Review. Upon receipt by the Architectural Review Committee of all of the information required by Sections 1.5 and 1.6, it shall have thirty (30) days in which to review said plans and provide a written response to the Owner. The proposed Improvement will be approved if, in the sole opinion of the Architectural Review Committee, (i) the Improvement will be of an architectural style and material that is compatible and aesthetically harmonious with the preponderance of other structures in the Park Harbor Subdivision; (ii) the Improvement will not violate any restrictive covenant or restriction under the Declaration, or encroach upon any easement or cross platted building set back lines; (iii) the Improvement will not result in the reduction in property value, be detrimental to the use or enjoyment of any of the property, or pose a burden on neighboring owners or the Association; (iv) the individual or company intended to perform the work is acceptable to the Architectural Review Committee; and (v) the Improvement will be substantially completed, including all cleanup, within 180 days after the approval date by the Architectural Review Committee. An extension may be granted, but not reasonably be withheld, by the Board of Directors for an additional 180 days.

1.8 Variance. The Architectural Review Committee may grant variances from compliance with any of the provisions of the Declaration, upon consultation with and approval by the affirmative vote of a majority of the Board of Directors, when, in the opinion of the Architectural Review Committee, such variance will not impair or detract from the quality of the development of the property, pose a burden on neighboring owners or the Association, and such variance is justified due to unusual aesthetic considerations or unusual circumstances. All variances must be evidenced by a written instrument, in recordable form. The granting of such variance shall

not operate to waive or amend any of the terms and provisions of the Declaration applicable to the lots for any purpose except as to the particular property and in the particular instance covered by the variance, and such variance shall not be considered to establish a precedent or future waiver, modification or amendment of the terms and provisions hereof.

1.9 Work in Progress. The ARC, at its option, may inspect all work in progress to ensure compliance with approved Plans and Specifications.

1.10 Application Denial and Right to Appeal. Should the ARC deny an application by an Owner for an Improvement, such denial shall be provided by written notice and delivered by certified mail, hand delivery, or electronic delivery. The notice must (1) describe the basis for the denial in reasonable detail and likewise include changes, if any, to the application or Improvement required as a condition to approval and (2) inform the Owner that they may request a hearing before the Board of Directors on or before the 30th day after the date the notice was mailed to the Owner. The Board of Directors shall hold such hearing not later than the 30th day after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The Board of Directors, in its sole and absolute discretion, may affirm, modify, or reverse, in whole or in part, any decision of the ARC, and such decision shall be mailed to the Owner providing either approval or denial. If the appeal is denied, such letter shall include a reason for the denial.

1.11 Meetings and Records. The ARC will conduct meetings as necessary and maintain minutes reflecting the actions taken.

1.12 Reporting. The ARC reports to the Board of Directors at such times as the Board requests or the Committee considers necessary.

This document may be amended and restated by the affirmative vote of a majority of the Board of Directors.