

ArchContCmtePol\_3-31-2006

ARCHITECTURAL CONTROL COMMITTEE POLICY  
FOR  
THE PARK AT KISSING CAMELS ESTATES

**1. Composition of Committee.** The Architectural Control Committee shall consist of three (3) persons appointed by the Board of Directors of the Association, provided however, the Board may appoint itself to be and constitute that Committee. A majority of the Committee may designate a representative to act for it. It shall be the duty of the Committee, and it shall have the power, by the exercise of its best judgment, to determine that all structures, improvements, construction, decoration and landscaping on the Property conform to and harmonize with the existing surroundings and structures. For convenience, the Architectural Control Committee shall herein sometimes be referred to as the "Committee".

**2. Review by Committee.** No structure, accessory building, tennis court, yard ornament, swimming pool, antennae, flag pole, fence, wall, house number, mail box, exterior lighting, or other improvement shall be constructed or maintained upon the Property, no alteration, re-staining, or repainting to the exterior of a Home shall be made, no landscaping performed, and no Owner shall change the exterior appearance of the Lot or Home nor enclose, by means of screens or otherwise, any balcony, porch or patio, unless complete plans, specifications, and lot plans therefore, showing the exterior design, height, square footage, building materials and color scheme thereof, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing, walls and windbreaks, and the grading plan shall have been submitted to and approved in writing by the Committee, and a copy of such plans and specifications as finally approved, shall be deposited with the Committee.

**3. Procedures.**

- (a)       **General Procedures and Time Requirements.** The Committee shall approve or disapprove all plans and requests within thirty (30) days for modifications and within sixty (60) days for new home construction after such plans and requests have been submitted. In the event the Committee fails to take action within sixty (60) days after plans have been received by the Committee, approval will not be required, and this Article will be deemed to have been fully complied with. A majority vote of the members of the Committee is required for approval or disapproval of proposed Improvements. The Committee shall maintain written records of all applications submitted to it and of all actions taken.

- (b) Enforcement. The Committee may make reasonable requirements of the Owner, including the submission of additional plans, to insure conformance of such building or alteration when erected with these restrictions and covenants and with the plans submitted and approved. All construction or alterations performed on any Lot will conform to the approved plans and specifications. The Committee may require such changes as may be necessary to conform to the general purposes as herein expressed. The Committee shall be responsible for enforcing compliance of the approved plans.
- (c) Standards/Criteria. In approving or disapproving the plans submitted to it, the Committee shall take into consideration the design, style and construction of the proposed building or alteration, its location upon the Property, the harmony of its design, architecture and location with the terrain and surrounding neighborhood, and shall determine whether such proposed building is consistent with the general terrain, the architecture of other buildings located upon the properties and whether or not the construction or alteration of said building will adversely affect or decrease the value of other Lots and/or dwellings because of its design, location, height or type of material used in construction. The Committee shall also take into consideration the traditional color schemes in The Park and whether the proposed plans are in harmony therewith. The Committee also shall confer with owners of adjacent properties, as well as other owners who might be impacted or have their views affected by the planned work, and shall take the opinions, objections or comments of such owners into consideration in determining whether to approve such plans.
- (d) Variances. The Committee shall have authority to grant variances from the provisions of this Policy in cases of conditions wherein the strict enforcement of these restrictions would result in unusual hardship. Subject to the Provisions of this Policy, the Committee shall be the sole and exclusive judge of whether or not said hardship exists.
- (e) Rationale. Whenever the Committee disapproves of any proposed plans or specifications, it shall state in writing its reason for such disapproval in general terms so that the objections can be met by alterations acceptable to the Committee. The rationale for disapproval shall be based upon failure of the proposed plans to meet the Standards/Criteria set forth above.
- (f) Files. All plans submitted to the Committee shall be left on file with the Committee.
- (g) Appeal. It is the intent of this written policy that the Committee shall exercise broad discretionary powers hereunder, provided however,

any decision by the Committee may be appealed to the Board within thirty (30) days of such decision; any decision which is not appealed within that time or any decision by the Board shall be final and conclusive as provided in this Policy. The Board shall resolve all questions of interpretation under this Policy. The provisions of this Policy shall be interpreted in accordance with their general purpose and intent as herein expressed, as well as compliance with the express provisions of the relevant by-laws and covenants, and their underlying purposes.

**4. Non-Compliance by Owner.** Any additions, removal or changes initiated by a homeowner without the required ACC approval, as well as any that are not in compliance with approved plans, should be reported to the Board of Directors immediately. The Board may direct cessation of work, removal, or other changes, and may impose punitive or other legal actions as authorized by the covenants, by-laws, policies and procedures of The Park.

[»Home](#)   [»Print This Document](#)   [»Top of This Document](#)