

ARCHITECTURAL CONTROL COMMITTEE

POLICY AND PROCEDURES HANDBOOK

**BY DIRECTION OF
THE TRAILS HOMEOWNERS ASSOCIATION, INC.**

BOARD OF DIRECTORS

ADOPTED AUGUST 13, 1986

AMENDED JUNE 9, 1994

AMENDED JUNE 10, 1999

AMENDED AUGUST 26, 2004
Type of Personal Signs & Coated Driveways

AMENDED MAY 12, 2005
Exhibit D., Section D.3
3-4 colors

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ARCHITECTURAL CONTROL COMMITTEE POLICY AND OPERATING PROCEDURES

1.0 SCOPE

The function and the objective of the Architectural Control Committee (ACC) is to provide an overview and control of the architecture of the Trails Community. This includes, but not limited to construction materials, applied finishes and colors, landscaping and other factors which could adversely affect the property values of the Trails Homeowners Association, Inc. The primary functional responsibility of the ACC is to maintain and nurture the ambiance and aesthetic qualities that were major considerations during selection of property of ownership by the Trails Homeowners Association, Inc., (THOA) members.

To perform its responsibilities the ACC shall analyze and evaluate each properly presented application and attempt to reach a conclusion that is mutually satisfactory to the applicant and the THOA.

The ACC does not evaluate plans concerning compliance or non compliance with applicable building codes and engineering requirements since these are the responsibility of the owner and their architects, designers, engineers and contractors. The ACC does not undertake to conduct any inspection of the construction of any residence or structure for the purposes of determining whether the buildings are being constructed or modified in conformance with the plans or applicable building codes or construction practices as this responsibility also rests with the owners and their architects, designers, engineers and contractors. The ACC specifically disclaims any responsibility or liability for any design, engineering or construction defects for any buildings constructed at the Trails HOA regardless of whether the plans for construction are submitted and approved by the Architectural Review Board.

2.0 MEMBERSHIP AND MEETING REQUIREMENTS

- 2.1 The ACC is established in accordance with Article II, Restrictive Covenants, Section 2.3 of the Declaration of Covenants and Restrictions and Notice of Provisions of the Trails Homeowners Association, Inc.
- 2.2 The ACC membership will not exceed five (5) or consist of less than three (3) resident property owners. Three members shall constitute a quorum for a committee meeting. Chairperson to vote in case of tie.
- 2.3 All ACC members have equal voting rights. No member may abstain from voting unless a valid conflict of interest can be shown.
- 2.4 The Executive Director will be the Chairperson.
- 2.5 As the ACC must provide prompt attention to all requests submitted, committee

members are required to attend all meetings, unless an absence is given advanced approval by the chair. In the event of three (3) un-excused absences during a twelve (12) month period the offending member will be replaced by the BOD.

- 2.6 By resolution of the BOD, members of the ACC are non-voting members of the THOA BOD and are covered by the THOA Directors and Officers Liability Insurance Policy.

3.0 **GENERAL INFORMATION**

The following excerpt from Exhibit E, By-Laws of the Trails Homeowners Association Inc., is a particular significance to the function and operation of the ACC and be afforded strict attention.

Article VI, Section 3, Use of Property - Usage of all property shall be limited to usage described by duly regulated ordinances now in effect or may become in effect, in the City of Ormond Beach, Volusia County, Florida and further limited by the Declaration of Covenants and Restrictions of the Trails Units 1, 2, and 3 referred to above to which these By-Laws are exhibit.

- 3.1 The committee will occasionally hear from an applicant about certain changes previously allowed, and are questioned why their current request is being denied or modified. All related activities prior to 1981 were accomplished in accordance with the approval of the Trails Inc., the original developer of the property now identified as the Trails.

During the control transfer to the Trails Homeowners Association, Inc., the Committee recognizing some existing variations, allowed their continued existence and consequently some of these unofficial changes are now grand fathered in.

4.0 **GUIDELINES**

- 4.1 The ACC will meet twice monthly, every 2nd and 4th, Wednesday unless canceled by the Board of Directors.
- 4.2 The ACC will conduct no "special" or unscheduled meetings.
- 4.3 All ACC members will have an agenda established and prepared by the Executive Director.
- 4.4 For inclusion in the next agenda, new ACC business must be submitted to the Trails office no later than 3:00pm prior to the Friday preceding the scheduled ACC meeting. No applicants will be permitted to appear before the ACC unless their application appears on the current agenda. (See Exhibit A and B of this document for sample of application forms and preparation of instructions).
- 4.5 All ACC members will be provided the next active agenda at least on day prior to the

meeting.

- 4.6 Unfinished ACC business, i.e., tabled applications, may be discussed and acted on without being on the agenda.
- 4.7 Documentation or signing approvals, plans, acknowledgments, or permissions will be done only at the regularly scheduled ACC meetings.
- 4.8 An application request, approved by the ACC, requires the signatures of two members at the meeting.
- 4.9 Direct contact by Association homeowners with individual ACC members is not permitted, to preclude a compromise of the responsibilities and prerogatives of the committee. Any breach of this policy will be considered grounds for dismissal of the ACC member.
- 4.10 An ACC member may not function in a similar position in a homeowners Sub-association ACC that is part of the Trails Community.
- 4.11 All applications must receive a Site/Property Review by ACC members both prior to the committee's action and, if approval is given, immediately after property modification completion. (See Exhibit F Site/Property Inspection and Review)
- 4.12 As applicant who has received approval from the THOA will have (6) months to complete the requested change. Extended time may be granted from THOA if applicant requests same in writing, stating reasons and time frame. Original application will be retained in the THOA, copy with stamped approval will be returned to the applicant.

5.0 **STANDARDS - ALL PROPERTIES**

- 5.1 All building exteriors shall be constructed of wood, stucco, brick, wood grain vinyl siding or stone. Paint samples on wood or stucco surfaces must be provided. All samples will be retained by the ACC. (See exhibit D Approved Exterior Colors and Instructions).
- 5.2 Simulated brick, stone, and aluminum siding will not be permitted.
- 5.3 Exposed block foundation must be covered with brick, stone, stucco, or painted to match primary color of residence.
- 5.4 **As Amended, November 13, 2003.** Roofing materials should be, but not limited to fiberglass shingles, asphalt shingles or clay/concrete tile. Material colors should conform to the requirements specified in "Exhibit E" of this document.

- 5.5 **As Amended March 10, 2005.** Main driveways shall be concrete, or brick, or approved stone pavers. Driveways can only be coated with the approved color (1), which is H&C Silicone Acrylic Concrete Sealer, which can be purchased at Sherwin-Williams. No designs can be installed in the coating. Mulch or loose aggregate is prohibited. Each applicant must apply at the office for color formula.
- 5.6 Gutters and down spouts should be of a bronze color or should match the trim or primary colors. Bright or untreated metals will not be allowed.
- 5.7 All window trim should be bronze, white or color matching house trim. Bright or untreated metals for window trim is prohibited.
- 5.8 All screen enclosures (including screening) should be white, bronze or dark in color.
- 5.9 All fences may be natural, stained or if painted, match the primary or trim color of the residence. Paint swatch must accompany the application.
- 5.10 Pool related items to include, but not limited to, diving boards, slides, fountains, statues, barbeque pits, shall not exceed the height of six (6) feet.
- 5.11 Only parabolic reflectors will be allowed to be installed if the following conditions are met.
- A. No reflector will be larger than 1 meter (39 inches) in diameter.
 - B. The reflector and/or pedestal may be ground mounted not to exceed the height of six (6) feet, if so mounted, must be located in the rear of the property and must be placed behind fencing or shrubbery.
 - C. All reflectors and installment materials should be colored to blend in with the mounting surface.
 - D. Under no circumstances will radomes be allowed.
- 5.12 All window and through-wall air conditioners are to be considered as individual structures, on a case by case basis.
- 5.13 No sign of any type will be permitted on THOA controlled common grounds, per *Section 2.10 of the C&R Multi 2.09*.

Political signs are not allowed under any circumstances.

No sign of any kind shall be erected, permitted to remain on or displayed for public view on or from any lot within the association, except an approved sign given the name of the occupant of the residence located on said property. An approved sign advertising the premises for sale or rent may be displayed. (See Exhibit C of this document for the approved sign and configurations and usage)

6.0 **STANDARDS- MULTI-FAMILY PROPERTIES**

- 6.1 Each Multi-Family Association (MFA) shall have a designated committee to review all ACC related application. This committee will evaluate the request as it pertains to the architectural impact on their property. If approval results, the MFA will sign the application and advise the applicant to submit the approved form to the THOA for ACC action. The following are the requirements and procedures for filing an application to the THOA-ACC
- 6.1.1 Application Form: The form (See Exhibit A of this document) will be completed by the owner of record requesting the change action. The form must contain the approval signatures of the responsible MFA Committee Members. Original application will be retained by the THOA office, copy of approval will be returned to applicant.
- 6.1.2 Change Description Documentation: Detailed engineering drawings or renderings that adequately describes the change are required for ACC review. If the requested change extends beyond the residence a site/plat plan will be required with the application. The proposed configuration, properly located and dimensioned, must be shown. Photos or catalog information may be included. Two (2) copies of all documentation is required for submit to the THOA ACC.
- 6.1.3 Proof of Ownership: The owner requesting a property change must provide proof of ownership of that property at the time of application. (Copies of Tax records or deed will be accepted.)
- 6.2 The items described in paragraphs 6.1.1, 6.1.2 and 6.1.3 will be submitted to the Trails office in the quantities stated. Notification of the results of the ACC action will be directed to the applicant owner.
- 6.3 The applicant who has received approval from the THOA will have six (6) months to complete the requested change. Extended time may be granted from the ACC if applicant requests same in writing, stating reasons and time frame.