

2022 Covenants Changes Proposed by The Enclave HOA Board of Directors

Paragraph 15: Architectural Review Committee

Current

15. ARCHITECTURAL REVIEW COMMITTEE. The Board of Directors is authorized to establish an Architectural Review Committee and to delegate to said Board the following powers:

- (a) to adopt, administer, and enforce uniform architectural and landscaping standards which conform to the architectural, landscaping and other protections in the Declaration of Protective Covenants, Easements and Protections recorded as to the property within the Development. Said standards shall be adopted with the goal of maintaining the beauty of the natural environment of the areas and the overall plan of development for the Development; and
- (b) to adopt, administer, and appoint review committees with the goal of fairly and impartially enforcing architectural and landscaping standards; and
- (c) to make special exceptions to any standards adopted by the Architectural Review Committee or any review committees, upon proper allocation to the Architectural Review Committee. The means and manner of such application shall be adopted by the Architectural Review Committee.

Said Architectural Review Committee shall consist of no fewer than Three (3) members, at least One (1) of whom shall be a member of the Corporation, and One (1) of said Three (3) shall be a member of the Board of Directors. However, until the annual meeting of the membership, (after control of the Association has been relinquished by the Developer, as provided in Paragraph 18 below) members of the Architectural Review Committee need not be members of the Corporation. The Board of Directors, may, in its sole discretion, appoint a professional architect, engineer, or land planner, who may or may not be a member of the Association serve on said Architectural Review Committee and may provide that said architect, engineer, or land planner be fairly compensated for services. The Board of Directors may approve the distribution of funds to meet the reasonable expenses of the Architectural Review Committee.

The Architectural Review Committee shall be responsible to the Board of Directors, which shall have a veto power over any decision made by the Architectural Review Committee. The veto power may be exercised by a majority of the Directors at any Board of Directors meeting, after application made by an aggrieved member or by any member of the Architectural Review Committee. However, no approval is needed for authorized action taken, if no application is made by an aggrieved member. The Architectural Review Committee shall promulgate from time to time such procedural rules and regulations as it deems necessary and proper, which shall include, but not necessarily be limited to the following:

- (1) Guidelines and procedure to be followed by an applicant seeking its approval.
 - (2) Guidelines and procedure to be followed by an applicant seeking a special exception.
 - (3) An adequate application form to be prepared and submitted by an applicant seeking its approval as a special exception
- (4) A schedule of reasonable fees applicable for the processing of applications.
 - (5) A procedure for calling a meeting of the Board of Directors or committee (which may include regularly scheduled meetings).
 - (6) Such other procedural rules, regulations, and requirements as the Architectural Review Committee may deem necessary and proper, which are not in conflict with the By-Laws, and Declaration of Protective Covenants and Protections.

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Proposed

15. ARCHITECTURAL REVIEW

(a) Architectural Committee. The Architectural Committee shall be the Board of Directors of the Association or a Committee chosen by the Board of Directors.

(b) Improvements. No building, fence, wall or other structure or planting or landscaping shall be commenced, erected or maintained upon the Lots, nor shall any exterior addition to or change or alteration therein, including, without limitation, any planting or landscaping, be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Association. All proposed plans and specifications shall be submitted first to the Board of Directors or such committee chosen by the Board of Directors who shall disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it by the Owner, approval will not be required and this Paragraph will be deemed to have been fully complied with. In passing upon such plans, the Board of Directors/Committee may take into consideration the suitability and desirability of the proposed construction and the proposed materials to the Lot involved. Refusal to approve the proposed plans may be based by the Board of Directors/Committee on any grounds, including purely aesthetic considerations. No alterations in the external appearance of any structure shall be made without approval by the Association as provided herein; provided, however, that no approval by the Board of Directors/Committee granted hereunder shall constitute or be construed as approval by Board/Committee or any other person of the structural suitability or quality of any structure or material.

(c) The Board of Directors is authorized to establish an Architectural Review Committee and to delegate to said Board the following powers:

- (i) to adopt, administer, and enforce uniform architectural and landscaping standards which conform to the architectural, landscaping and other protection in the Declaration. Said standards shall be adopted with the goal of maintaining the beauty of the natural environment of the areas and the overall plan for the Development;
- (ii) and to adopt, administer, and appoint review committees with the goal of fairly and impartially enforcing architectural landscaping standards; and
- (iii) to make special exception to any standards adopted by the Architectural Review Committee or any review committees, upon proper allocation to the Architectural Review Committee. The means and manner of such application shall be adapted by the Architectural Review Committee.

Said Architectural Review Committee shall consist of no fewer than three (3) members, at least one (1) of whom shall be a member of the Corporation, and one (1) of said three (3) shall be a member of the Board of Directors. The Board of Directors, may, in its sole discretion, appoint a professional architect, engineer, or land planner, who may or may not be a member of the Association serve on said Architectural Review Committee and may provide that said architect, engineer, or land planner be fairly compensated for services. The Board of Directors may approve the distribution of funds to meet the reasonable expense of the Architectural Review Committee.

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Paragraph 15: Architectural Review Committee

Proposed

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The Architectural Review Committee shall be responsible to the Board of Directors, which shall have a veto power over any decision made by the Architectural Review Committee. The veto power may be exercised by a majority of the Directors at any Board of Directors meeting, after application made by an aggrieved member or by any member of the Architectural Review Committee. However, no approval is needed for authorized action taken, if not application is made by an aggrieved member. The Architectural Review Committee shall promulgate from time to time such procedural rules and regulations as it deems necessary and proper, which shall include, but not necessarily be limited to the following:

Guidelines and procedure to be followed by an applicant seeking its approval.

Guidelines and procedure to be followed by an applicant seeking a special exception.

An adequate application form to be prepared and submitted by an applicant seeking its approval as a special exception.

A schedule of reasonable fees applicable for the processing of applications. These fees include an Architectural Review Fee of three hundred dollars (\$300) and a nonrefundable Impact Fee for construction projects of one thousand five hundred dollars (\$1500). The Board reserves the right to raise the impact fee by 3-5% in its discretion.

A procedure for calling a meeting of the Board of Directors or Committee (which may include regularly scheduled meetings).

Such other procedural rules, regulations, and requirements as the Architectural Review Committee may deem necessary and proper, which are not in conflict with the Bylaws and the Declaration.