

OPERATING PROCEDURE # 104 ARCHITECTURAL COMMITTEE OPERATION

This operating procedure is written to set out the step by step procedure the Surfside Homeowners Architectural Committee shall use in the performance of their charter. This procedure shall be followed in all actions taken by the committee and all its members. The Chairperson shall be responsible to see that this operating procedure is followed as written.

1. **Committee Duties:** Determine that all plans submitted for approval conform to all the Association Bylaws and Covenants/Architectural Guidelines.

1.1 Chairperson

1.1.1 Preside at all Committee meetings,

1.1.2 Determine that all plans are submitted with the proper forms and the correct number of copies,

1.1.3 Verify that all forms and paper work is completed at all steps during the approval process,

1.1.4 Submit a written Committee Action report at the monthly Board Meeting.

1.1.5 Architectural Committee complaints will be referred to the Covenant Compliance Officer.

1.2 **Vice-Chairperson**

1.2.1 Assume all duties of Chairperson in his/her absence.

1.2.2 Verify that at the end of the building process, or at the two (2) year time frame, that the inspection process is completed and the proper action is taken or the proper report is filed. Process to be done on a monthly basis

1.3 **Committee Members**

1.3.1 Review all submitted building, septic, water service or other plans,

1.3.2 Determine that all plans meet Association covenant requirements,

1.3.3 Visit property sites to determine decisions to be rendered on all requests for approval of plans which are questionable or unusual due to location or type of construction.

1.3.4 Requests for opinions by interested parties will not be addressed outside of an official meeting: interested parties will be advised to attend the next regular meeting or submit a written request for an opinion

1.3.5 Property may be visited by the committee if so instructed by the committee chairperson or inspection committee.

2. Official Meeting Requirements:

- 2.1 Meetings shall be held on a weekly basis, time and day to be determined by the Chairperson. Time and day will remain constant unless unusual circumstances dictate otherwise. Time and day of meetings shall be posted in the business office.
- 2.2 Special meetings may be called by the Committee Chairperson.
- 2.3 A regularly scheduled meeting may be cancelled with proper notice to applicant's and committee members. Notice of a cancelled meeting shall be posted at the Surfside Business Office.
- 2.4 No meeting shall be held with less than three members physically present.
- 2.5 Minutes shall be kept of each meeting
 - 2.5.1 Committee "Minutes Form" will be used.
 - 2.5.2 All action taken by the Committee shall be noted in the minutes, (plans submitted, approved/disapproved, other action taken),
 - 2.5.3 Minutes shall be typed and placed in a committee file and made part of the public records of the Association.
- 2.6 All meetings shall be open to all Association members.

3. Plan Submission Procedures:

- 3.1 A plan submission packet shall be available at the Association office.
 - 3.1.1 All members wishing to submit plans for approval shall fill out all applicable sections of the packet.
 - 3.1.2 Plans shall not be reviewed without the proper Association forms being completed.
- 3.2 Plans and forms must be submitted to the business office at least forty-eight (48) hours prior to the meeting date.
- 3.3 Two (2) copies of all plans must be submitted to be reviewed.
 - 3.3.1 One (1) copy shall be returned to the member with approval notice,
 - 3.3.2 One (1) copy shall be retained by the Association for Three (3) years.

4. Plan Approval Process:

- 4.1 Each submitted plan shall be checked by the committee for compliance with all covenant and architectural guidelines, this would include, but is not limited to, single family residence, mobile units, multiple residence, commercial structures, septic system placement and other property development and improvements.
 - 4.1.1 The Water/Field Services staff shall review the plot plan for the septic tank and drain field on behalf of the Architecture Committee only to verify placement in relationship to 'Surfside water lines and connection location'
 - 4.1.1.2 Plot plan should show distance of septic tank and drainfields to

property lines, wells and buildings. The plot plan shall also show the size and placement of the proposed dwelling on the parcel

4.1.1.3 Once the plot plan has been reviewed, it will then be signed off by the Surfside Water Department. The applicant will submit the reviewed plan to Pacific County Health Dept. for final approval,

4.1.2 Building plans; general

4.1.2.1 Building Covenant Check List shall be filled out for each plan submitted.

4.1.2.2 Plans are reviewed by entire present committee, and if plans are in conformance with all requirements they are approved and signed and dated by a majority of the Architectural Committee members present. (See covenant requirement 4.1b4)

4.1.2.3 Plans found not to be in compliance are rejected and returned to the member along with written explanation of the reason plans were rejected.

4.1.2.4 Approved plans along with all supporting documentation shall be filed in the Association office for a period of three (3) years.

4.1.3 Complete recording and filing of approved plans

4.1.3.1 Approved building and plot plans, covenant check list, approval request form and copy of the letter sent to the requesting member shall be filed in the Architectural Committee file cabinet by Surfside Office Secretary.

4.1.3.2 Prior to filing, data on building approval shall be entered in Master Record File. The date of the committee approval of the dwelling and the review of the septic tank and drainfield location shall be provided on the map.

4.1.4 Final inspection

4.1.4.1 Upon notification of property owner that exterior of building is complete, or at the end of the two (2) year period, the vice- chairperson or a committee appointed by the vice-chairperson shall check the building for exterior completion in compliance with the Association covenants. The Master File and office map shall be updated to reflect changes.

5. **Board Decisions**

5.1 General. Various places within the Restrictive Covenants administered by the Surfside Estates Homeowners Association ("Restrictive Covenants") specify that certain decisions on proposed development must be approved by the Board. This includes, but is not necessarily limited to, the following sections of the Restrictive Covenants: Section 2.8 regarding commercial

signs, Section 2.10 regarding manufacturing uses, Section 2.11 regarding commercial uses, Section 3.1c regarding height for multi-family residences and commercial structures, Section 4.6a regarding waivers to the minimum size requirements for houses and Section 5.6.1 of the Architectural Committee Guidelines regarding variances. This Section 5 of this Operating Procedure describes the procedures and criteria for making decisions on proposed development that requires Board approval.

- 5.2 Application. The applicant for the proposal shall make the request in writing, on the form provided for the request, to the Architectural Committee. The applicant for the proposal shall include, with the application, the information required in Section 5.5.2 of this Operating Procedure.
- 5.3 Application Fee. The request must be accompanied by an application fee in the amount established from time to time by the Board. The request will not be processed until this fee is paid.
- 5.4 Architectural Committee Review. The Architectural Committee shall review every application that requires Board approval and make a recommendation to the Board; provided, however, that where the 128 Restrictive Covenants give authority for the Architectural Committee to make the decision, subject to Board approval and/or confirmation, the Architectural Committee shall make the decision and if the Architectural Committee approves the proposal send the same to the Board. In any event, the Architectural Committee shall include, with its recommendation and/or decision as the case may be, any explanation and/or proposed conditions it deems appropriate.
 - 5.4.1 The Architectural Committee is authorized by the Board to approve applications for single-family residences in the plat of Surfview
- 5.5 Consideration by the Board
 - 5.5.1 General. Within 60 days of receipt of the recommendation from the Architectural Committee, the Board shall consider the proposal. Generally, the request will be considered at a regularly scheduled meeting of the Board, but the Board may call a special meeting if it deems it appropriate to do so.
 - 5.5.2 Notice. At the time of application, the applicant must provide the business office of Surfside Homeowners Association with a copy of the relevant portion of the plat map for Surfside Estates or other areas subject to the Restrictive Covenants. The map must designate the subject property and graphically show all properties within Surfside Estates and other areas subject to the Restrictive Covenants that are within 300 feet of any property line of the

subject property. At least 10 days prior to the hearing of the Board on the proposal, the office staff of Surfside Homeowners Association shall send a notice of the upcoming hearing, including the time, place and a brief description of the subject of the hearing, to each person or entity then shown in the Surfside Homeowners Association's records as the owner or contact person for each of the lots in Surfside Estates and other areas subject to the Restrictive Covenants within 300 feet of any property line of the subject property. However, this notice is a courtesy notice, and neither the failure to provide this notice nor any deficiency in this notice or its timing will affect the jurisdiction of the Board to hold the hearing and decide the matter.

5.5.3 Hearing. At the date and time specified in the Notice, the Board shall hold a hearing on the proposal. The Board will consider written and oral comments received from the applicant and from any property owners and/or resident within Surfside Estates and other areas subject to the Restrictive Covenants. People may appear and make comments personally, or through representatives. The Board may limit the length of oral comments. The Board may continue the hearing as it deems appropriate.

5.5.4 Decision. Following the hearing, either at that meeting or at a subsequent meeting, the Board shall deliberate and make a decision on the request using the criteria established in this Operating Procedure. The decision of the Board is the final decision for Surfside Homeowners Association on the matter.

5.6 Criteria – General

The Board shall use the criteria, as applicable, in Sections 5.6.1 through 5.6.4 below in making a decision to grant the request, deny the request or grant the request with conditions. The Board shall issue its decision in writing, either by adopting minutes which reflect its decision or by issuing a separate written document.

5.6.1 Variance Criteria. The Board may grant a variance request if it determines that all of the following criteria are met:

- a. That because of unusual circumstances related to the size, shape, topography, locations, surroundings or setting of the subject property the strict application of the Restrictive Covenants to the subject property will result in undue hardship to the property owner and/or unreasonable restriction on the development of that property.
- b. That granting the variance will not be materially detrimental or injurious to other properties or property owners in the area of the subject property.

- c. That granting the variance will not constitute a special privilege to the applicant or grant the applicant rights or privileges not enjoyed by other property owners in the area.
- d. That the variance requested is the minimum necessary to grant the property owner reasonable use of the property.

5.6.2 Commercial Use Criteria. The Board may grant authorization to conduct a particular business or commercial use on a parcel where commercial use is allowed under the Restrictive Covenants if it determines that all of the following criteria are met:

- a. That the proposed business or use is permitted by the Restrictive Covenants.
- b. That either the proposed business or use will provide services and/or products to residents and property owners of Surfside Estates and/or other areas subject to the Restrictive Covenants or it will not have detrimental impacts on properties in the immediate area.
- c. That the traffic, noise, odor, light and glare and other specific reasonably anticipated affects of the proposed business or use will not have unreasonable impacts upon other properties in the area of the subject property.

5.6.3 Commercial Development Criteria. The Board may approve specific development standards for commercial uses and other uses where the Restrictive Covenants require Board approval including commercial signs, setbacks and height of commercial and multi-family structures) if it determines that all of the following criteria are met:

- a. That the size, scale, orientation and general appearance of the structure or sign, as the case may be, is compatible with its surroundings.
- b. That the size, locations, orientation and illumination of the structure or sign, as the case may be, will not unreasonably interfere with any residential use in the area.
- c. That the sign is not larger than is reasonably necessary for the use and is designed to be harmonious with its surroundings.

5.6.4 Waiver of Minimum Square Footage Requirements Criteria. The Board may approve a waiver granted by the Architectural Committee to the minimum indoor living area square footage requirements for single-story residences based on the criteria contained in the Restrictive Covenants.

5.6.5 Manufacturing Use Criteria. The Board may approve a proposal to permit a manufacturing use or activity on a parcel if it determines that all of the following criteria are met:

- a. That any reasonably anticipated impacts from the proposed use or activity (including, but not limited to, traffic, noise, light, glare, odor and vibration) will be no greater than what would be anticipated from single-family residential use or, if the Restrictive Covenants permit outright other use on the parcel, the impact that would be anticipated from that other use.
- b. That there will be no exterior indication of the manufacturing use or activity on the parcel that is visible from any property line of the parcel.
- c. That the proposed uses and activities will not involve or result in pollution of air, water or soil and will not involve the storage, production or use of any hazardous substance as defined by any federal, state or local law.

5.7 Record Keeping

All applications and other related material for a Board decision, as well as the decision of the Board, shall be kept in the Architectural Committee files located in the Surfside Business Office.

6. Special Situations and Requests:

- 6.1 Plans for construction of unusual or questionable structures or development shall be taken up by the members present at a regular committee meeting,
- 6.2 Property may be visited by the committee (no less than three members) before a decision is reached,
- 6.3 All decisions made on these special requests shall be entered into the committee meeting minutes, and kept on file,
- 6.4 The property owner requesting the decision of the committee shall be notified in writing of all findings.

7. Enforcement of all Architectural Guidelines and related Association Covenants shall be investigated and enforced.