

## ARCHITECTURAL CONTROL COMMITTEE

As Outlined in

### THE DAYBREAK SQUARE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and THE DAYBREAK SQUARE ALLEY AND NON-ALLEY LOT DEED, WARRANTY DEED

#### **Membership**

An Architectural Control Committee (ACC) shall be appointed by the Executive Board of the Association consisting of at least 3, but not more than 5 persons.

#### **Purpose**

The ACC will regulate the external design, appearance, use, location and maintenance of the property and of improvements thereon in such a manner as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography of the community.

#### **Conditions**

Initial construction of a dwelling on a lot is subject to the terms and conditions set forth in the restrictive covenants contained in the deed for such lot from Declarant to the first purchaser. After completion of construction and occupancy as a residence, no improvements, alterations, repairs, change of paint colors, plantings, excavations, changes in grade or other work which in any way alters the exterior of any dwelling, lot or improvements located thereon from its natural or improved state existing on the date the dwelling was first occupied as a residence shall be made or done without the prior written approval of the ACC.

**NOTE:** Homeowners are encouraged to read the Deed Restrictions to gain a better understanding of the restrictions, conditions, and areas that could be altered, modified, or changed in the sole discretion of the Grantor, Lake Jeanette Realty at the time of construction and DayBreak Square Homeowners Association once the dwelling is occupied as a residence. According to the Deed Restrictions, "The Grantor may waive any violation of the restrictive covenants by an appropriate instrument in writing, provided, that if the violation occurs on any lot(s) which abuts lot(s) which have been conveyed to fee simple owner(s) in DayBreak Square, Northern Shores, Phase Ten, Section Two, the written waiver of such violation by such adjacent owner(s) shall also be obtained. The proviso in the preceding sentence shall not apply to paragraphs 2,5,6,8, and 10 of the Deed Restrictions where only the written consent of the Grantor shall be required." Therefore, according to the above proviso, the following represent areas of the Deed that require only the written consent of the Grantor specific to waiving a restriction:

1. **Lot Area and Street Frontage**
2. **Architectural Control contained under paragraph 5 of the Deed Restrictions, includes language that stipulates restrictions specific to area construction plans, site plans, foundation plans, clearing and grading plans, floor plans and elevation drawings, statement of exterior finishes and colors, the proposed location of impervious surfaces including driveways, buildings, the siting of the dwelling on the lot, garages, patios and decks, streetscape easements, front porches, gas lamps, the exposed surface of steps and front walks, and landscaping.**
3. **Building Setbacks**
4. **Placement of Dwelling**
5. **Streets, Fences, Walls and Signs**

The following represent areas that require the written waiver of consent from adjacent homeowners, as well as the written waiver of consent from the Grantor:

1. **Land Use and Building Type**
2. **Nuisances**
3. **Dwelling Size**
4. **Easements, Maintenance of Certain Storm Water Drainage Facilities**
5. **Temporary Structures**
6. **Pools**

No building, residence or other structure shall be commenced, erected, maintained or improved, altered, removed, made or done without the prior written approval of the ACC. ***By way of illustration and not of limitation***, the

following acts require approval of the ACC: Paving, Roofing, Exterior Painting, Landscaping, Exterior Lighting, Fencing, Recreational Structures, Statues, Mailboxes, All personal signage, The placing of any items on front or side porches (excluding porch furniture and plants approved in the guidelines).

#### **Authority of the ACC to Create Guidelines**

Subject to approval of the Executive Board, the ACC may, from time to time, promulgate architectural guidelines and/or community standards for the property.

#### **Procedures**

Any owner or person desiring to make any improvement, alteration or change described under **Conditions** above, shall submit the plans and specifications showing the nature, kind, shape, height, materials and location of the same, to the ACC which shall evaluate such plans and specifications in light of the purpose of as set forth under **Purpose** above.

- **An architectural control request form can be obtained by visiting the DayBreak Square Association's website, [lakejeanettehoa.org/daybreaksquare](http://lakejeanettehoa.org/daybreaksquare) or by requesting a form from the Chairperson of the ACC.**
- **Applications are not considered submitted for review until such time as the application is complete. The ACC reserves the right to request additional information of the applicant that the Committee in its sole discretion deems necessary.**

#### **Failure of the ACC to Act or Approve a Request**

In the event the ACC fails to approve, modify or disapprove in writing an application within 60 days after plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

- **The ACC will meet on the first Tuesday of each month and submit a summary of items approved and/or denied to the President of the Board for the Board's notification. Requests should be mailed to the Chairperson of the ACC. The Chairperson will then compile each month's collection of requests to be reviewed at the monthly ACC meeting. Requests that are submitted after the ACC's meeting on the first Tuesday of each month will be held and considered at the following month's ACC meeting. If there are no requests to be considered the ACC will not meet. ACC members will be notified by the ACC Chairperson via e-mail or phone if no meeting is necessary.**

#### **Process of Appeal**

The applicant may appeal an adverse ACC decision to the Executive Board of the Section Association which may reverse or modify such decision by a two-thirds 2/3 vote of the Directors.

- **If an appeal is desired by the Homeowner who submitted a request that was either denied or altered, the Board has the option of inviting that Homeowner as well as his/her neighbors who own homes adjacent to the Homeowner under appeal to attend the Executive Board Meeting to review and/or offer verbal or written comment on the original request that is under appeal. The invited homeowners are not obligated to attend and they will be excused from the meeting prior to any vote being taken.**