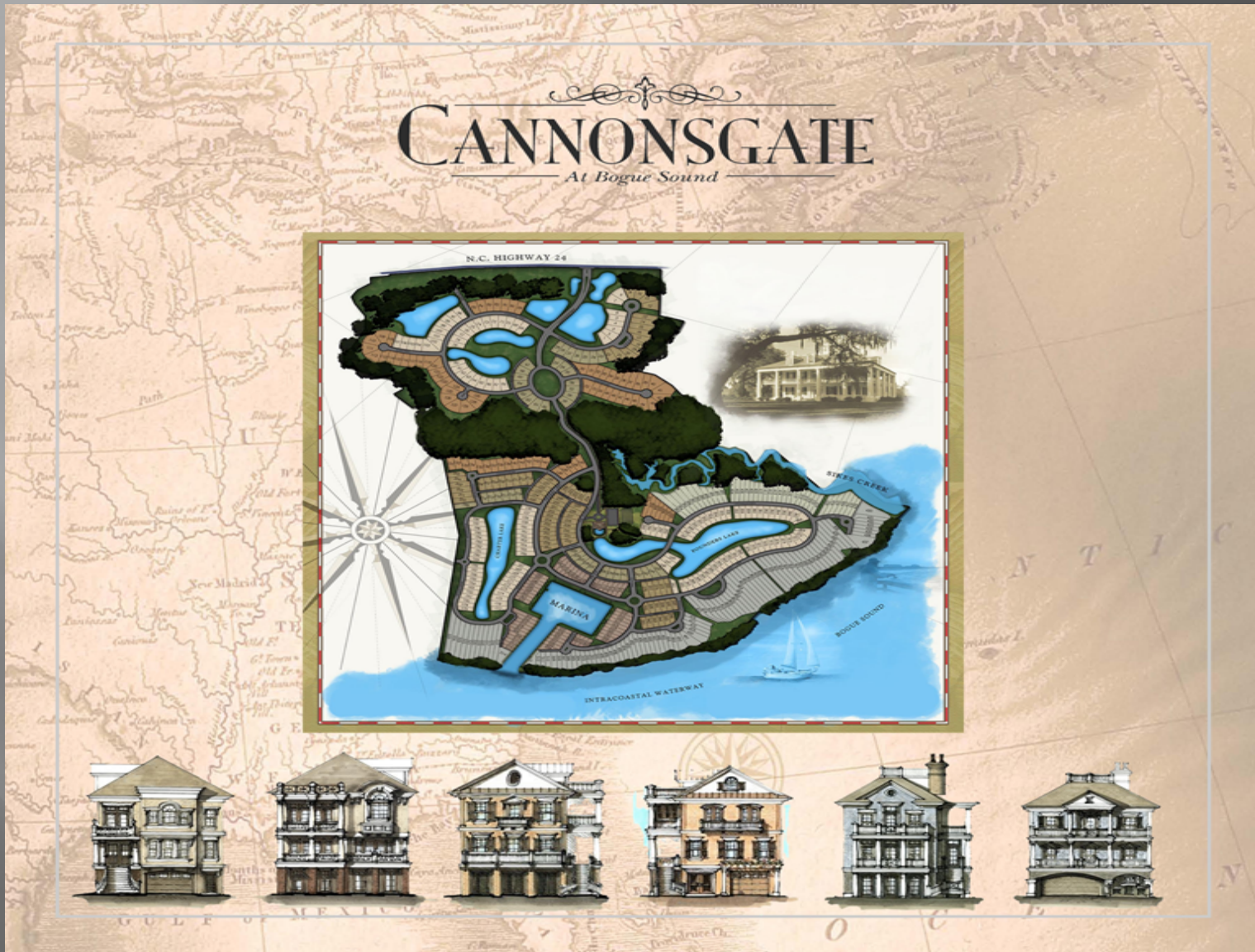


ARCHITECTURAL REVIEW BOARD SERVICES FOR PLANNED COMMUNITIES - PART TWO



GOAL:

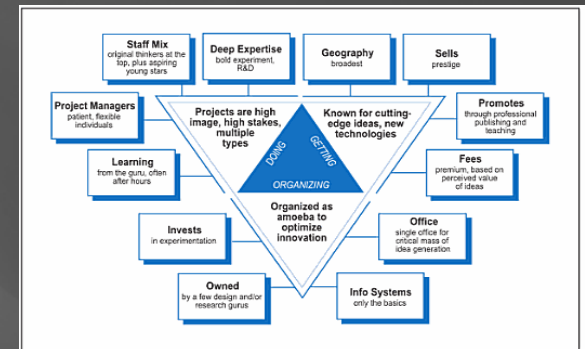
Through a Collaborative Process,
Develop Standards of Practice for
Professional Consulting to
Architectural Review Boards in
Planned Communities.

“At the Eighty Sixth Convention of the American Institute of Architects Boston, MA in June of 1954 The First Edition of The Standards of Professional Practice was enacted as the official and governing ethical statement of the Institute.”

- George Bains Cummings

The Current Edition has over 1000 pages, covering a range of topics such as Mentoring, Team Building, Finance and Protection of Intellectual Property.

SAMPLE PRIME STRATEGIES		
CARTER & RIGGS 2020		
System	Vivid Description	Prime Strategy
Getting Work	We're deeply involved in all the sports-related associations, volunteering 10 percent of each staff member's time to causes. Our network is closely connected, and we count the major owners, operators, politicians, and media among our closest friends.	Build unsurpassed network.
Doing Work	We offer a full complement of sports-related facility services, including a financing group and a construction group. Over the years, we've systematically hired sports figures and managers, and they've given us many insights into the performance of our projects. We're especially proud of our standing project teams for the various sports.	Hire sports figures and enthusiasts.
Organizing Work	Our work is well known throughout the world. We have key offices in five international cities and a web of local offices throughout the Western Hemisphere. Our ownership is broad because we value sportsmanlike teamwork. We're also well organized because we value and respect the rules of the game.	Consolidate through acquisitions.



BACKGROUND

COPYRIGHT LAW FOR ARCHITECTS

Joseph H. Jones Jr., Esq., AIA

U.S. copyright law protects the creativity captured in the architect's instruments of service, such as design and construction drawings, models, and other design representations, as well as the built structure. To protect themselves from copyright infringement, architects should be familiar with their rights under the law.

Architects need to understand the intellectual property rights intrinsic in their professional services. With some clients viewing professional services as a commodity and the plans, specifications, reports, and other documents that architects produce as products, architects should understand the business and liability issues relating to the use, ownership, and control of their designs and instruments of service.

As clients look for more ways to reduce the costs of design and construction, many view the "reuse" of designs as a way to eliminate the need to hire another architect and save money. Actions like this may put the architect at risk for professional liability from any problems that develop from subsequent uses of the same plans. In addition, the architect may lose fees if the client neglects to acquire the copyright to a design.

Maintaining the copyright to their designs gives architects a level of control over their creative and professional endeavors. Clients will have to retain them for future projects, which may help an individual architect or firm maintain a steady stream of new business. As well, surrendering copyright could lead to liability problems for the architect

(continued)

WHILE THERE IS NO STANDARD OF
PRACTICE FOR REVIEW BOARD SERVICES,
THERE IS A STANDARD OF CARE FOR ALL
WORK BY AN ARCHITECT:

FROM AIA: B101TM-2007 §2.2, B102TM-2007 §1.2, and B103TM-
2007 §2.2:

“The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.”

For Planned Communities, any Standard of Care should include as a minimum:

AN UNDERSTANDING OF THE INTENT OF
THE DEVELOPMENT

A KNOWLEDGE OF THE POLICIES THAT
GOVERN THE COMMUNITY

AND A SENSE OF THE EXPECTATIONS OF
THE BOARD OF DIRECTORS AND THE
PRESENT OWNERS

Step One: Gain a Full Understanding of the Governing Documents of the Home Owners Association and the Architectural Review Board.

- 1. Covenants and Restrictions - CCRs: A Fixed Document**
- 2. Architectural Guidelines: An Evolving Document**
- 3. State Regulations pertaining to HOA's
North Carolina Planned Community Act.**



**Architectural Review Committee
Design and Construction Guidelines
&
Review Procedures and Applications**



Carolina Forest
Myrtle Beach
Horry County, South Carolina
January 2013 Edition

COPY

FILED
Horry County, S.C.
NOTARIAL PUBLIC
JAN 28 2013
REGISTRAR OF DEEDS

NOTE: THIS DECLARATION CONTAINS AN IRREVOCABLE AGREEMENT TO ARBITRATE AND IS SUBJECT TO ARBITRATION PURSUANT TO TITLE 15, CHAPTER 47 (UNIFORM ARBITRATION ACT) OF THE CODE OF LAWS OF SOUTH CAROLINA

DECLARATION OF PROTECTIVE COVENANTS
RESTRICTIONS, EASEMENTS, CHARGES AND
LIENS FOR WATERBRIDGE

PREPARE FOR INTERVIEW BY
OBTAINING A COPY OF THE
GOVERNING DOCUMENTS
FOR THE COMMUNITY AND
PLACE THEM INTO MEMORY:

Step Two:

Understand the Role of the Architect Consultant and the Legal Parameters Associated with the Work of the ARC.

- Authority stems from the CCRs.
- ARC is appointed by the Board of Directors and is autonomous.
- Architect is a non-voting member of the committee.

Clarify this understanding in your contract for services.

Step Three: Develop Contract

Clarify your relationship with the HOA in the Contract for Services:

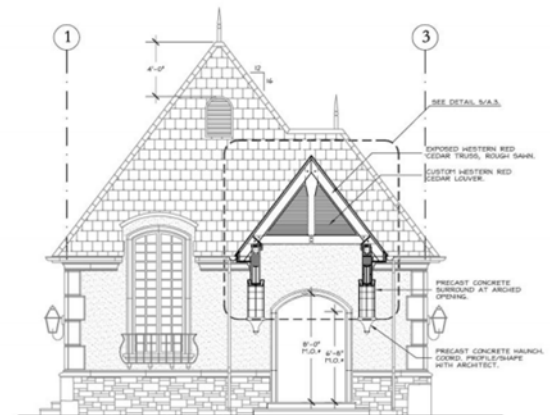
- Expectations of performance.
- Standards for communication.
- Issues requiring professional judgment.
- Relationship with Community and Board.
- Your limits while enforcing the requirements.

Step Four - The Gate keepers:

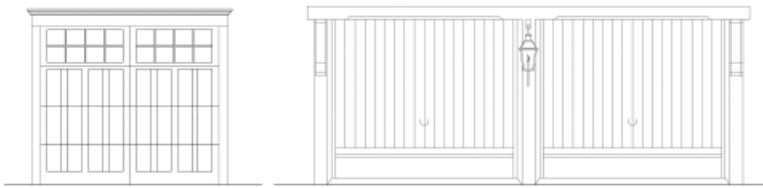
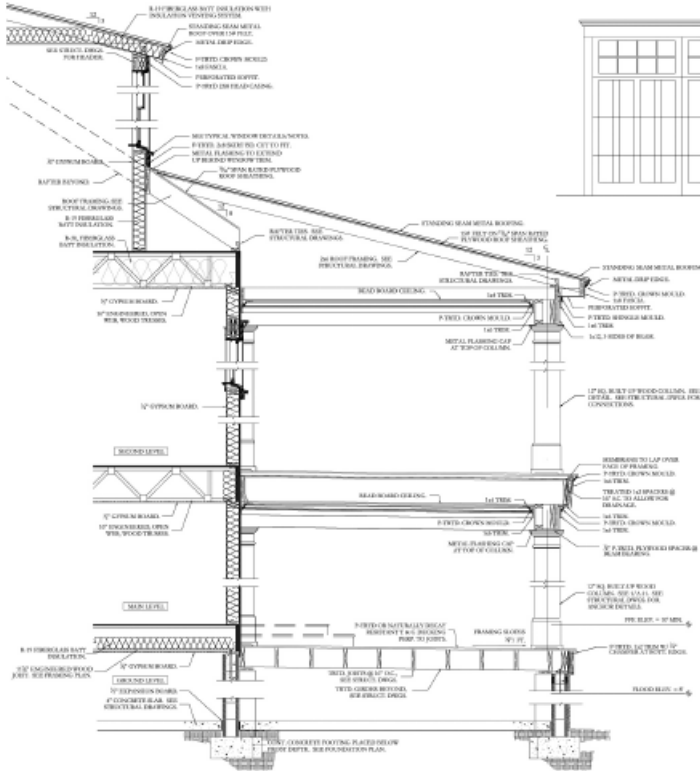
- Understand management models of Owner Associations.
- Gain access to the HOA to present your credentials.
 - Build portfolio showing experience;
 - Demonstrate that you understand the review process;
 - Show that you have the ability to resolve conflicts;
 - Build relationship with an Association Management Company or Developer.



DEMONSTRATE YOUR DESIGN SKILLS







C - Carriage Style Garage Door Examples



B - Chimney Pots



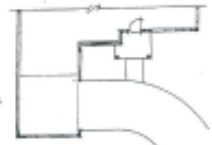
A - Por

B.20

Mediterranean

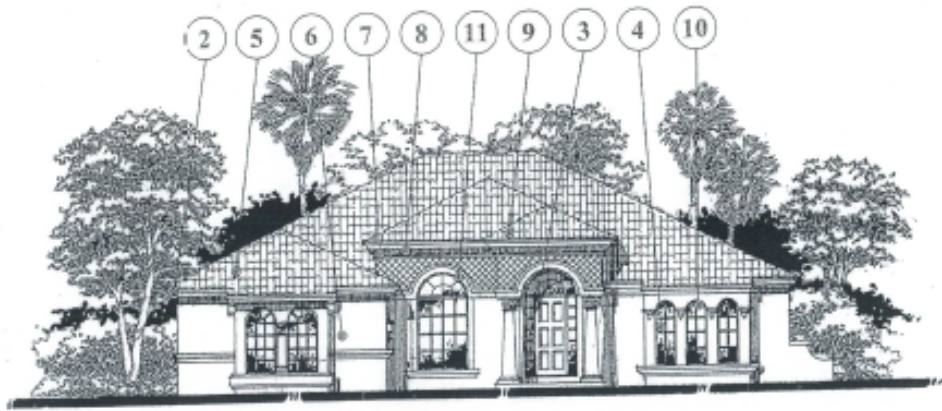
- Required Elements**
1. One all architectural massing with symmetrical components.
 2. 1/2" minimum overhang.
 3. Solid carved or multi-paneled wood doors with side light or transom glass.
 4. Multi-pane windows - window units to be vertical in mass (slight eave over windows).
- Deeply suggested:**
5. Low pitch roof 5:12 to 6:12 with barrel or 1/2" tile.
 6. Textured stucco finish.
 7. Entrance leading 6" minimum (often using terra cotta or wood)
 8. No roofline eaves.
 9. Downward hips with limited accent gables.
 10. Multiple window units with 6" minimum spacing.
 11. Simple window and door surrounds.

- Suggested Elements (select 6 items)**
- Quoin on corners.
 - Feature cornice.
 - Multi-level roofs.
 - Facet doors emphasized by classical columns, typical cast-iron columns.
 - Triple, arched focal window.
 - Arches above windows.
 - Decorative terra cotta or ceramic on windows.
 - Tiled chimney tops.
 - Arched air penetration.
 - Cast stone accents, decorative stucco, tile accents and/or geometric shapes.
 - Shed roof or hooded by projections.
 - Brackets under eaves.
 - Exposed rafters.
 - Heavy timber accents.



Suggested garage door profile: 1/2" low, pane 1/2" - Sheathed garage doors to be solid raised panel. Garage doors may be optioned to raised panel with glass. For three load garages, preferred placement is behind first plane of house.

BE PREPARED
To speak to elements
of good design...



The Anniston Grove ARC has reviewed your submittal for the home on lot 70 in Anniston Grove and requires the additional information described in the Guidelines, plus changes noted below prior to approval. As such the submittal is not approved.

The additional information stated in the Guidelines and required in order to complete the review is as follows:

Site:

1. The Guidelines require a site plan prepared by a licensed surveyor and showing contours in two foot increments.
2. The elevation drawings should show how the grade appears along each wall.
3. There is also a requirement for a plan showing the location of trees (hardwood only) that are larger than six inches in diameter.
4. An erosion control and monitoring plan is required.
5. A site plan showing proposed location of the construction drive off pad, dumpster, toilet and material storage areas is required.
6. A landscape plan is required.

Comments on the existing plan:

Anniston Grove is a custom home community and homes should reflect custom features and details not generally seen in tract home communities. The home proposed is very generic in nature and lacks many of the desired features, which are common to homes in the community.

1. The roof line is a dominant element. It should have elements that will break up its mass such as a large feature dormer either gabled or shed.
2. The brick should be supplemented with another material such as a stone water table or stone features to provide a more custom appearance.
3. The design of the entry should be more in keeping with the style of the remainder of the home. The entry appears to be neo-classical, contrasting with the traditions of French Eclectic, which the roof line and eaves of the home seems to suggest.
4. A photo or graphic of the front door with side lites and transom selection require submittal as do garage doors and other doors exposed to the exterior. These can be submitted as digital photos to the review site.

ELEVATE THE DIALOGUE

Show Your Professional Communications which highlight your ability to address problems and resolve conflicts...

5. The surface of the walls require some relief. As configured, windows do not lend a custom look to the home. Creating breaks in the walls with bays or extending dormers through the soffit and fascia to create interesting details would make the home more appealing and create a departure from the traditional tract home appearance.
6. The wall section should be cut through a window and show header and sill conditions.
7. Pairs of windows should have structural mullions separating them as opposed to being ganged together.
8. Window styles were not noted. Windows should be a higher quality than full vinyl. Wood windows with vinyl clad are approved and are available from the same manufacturer as specified. SDLs should be used on the front elevations with GBGs on the sides as a minimum.
9. Dormers should be brick, stone or stucco. Composite materials are not approved.
10. Shutters shall be sized to match one half of the window width of the adjacent window. Finished hardware including shutter dogs should be added even if the shutters are decorative to add authenticity.
11. Brick headers should be used above all windows and doors. Front facing windows should have additional features.
12. Internal layout is not an issue the ARC will provide comment except that you are showing a fireplace in the home but no chimney. Since ventless gas fireplaces are not permitted in the community, as stated on the application form, some means to vent the unit must be provided if it is a combustion type unit.
13. A sample board shall be placed on site to show all finish materials and colors. The board should be a minimum 3'x5', set vertical and be placed between two 4x4 posts. A sloped section with the roofing materials should be placed on top. Show soffit, fascia and cornice treatment on the sample board as well as wall materials.

WATERBRIDGE

ARCHITECTURAL REVIEW SUBMITTAL FORM SEVEN (one page) LOT INSPECTION AT SITE STAKING (Note: All parties required to be on site at inspection)

1. Lot Number: _____ Inspection Date: _____ Time: _____
2. Street Address: _____
3. Homeowner: _____
4. Builder: _____

Site and Home Staked? _____

Water Meter: Condition of cover and piping: _____
Type of protection: _____
Sanitary System: Condition of cover and piping: _____
Type of protection: _____
Silt Fence Condition: Road Side _____
Interior property line: _____
Condition of Stone for driveway and location of dumpsters/port-a-potty, site trash: _____

Sample Board: Materials on board? If No, explain: _____

General Condition of Roadway: Needs cleaning and/or other: _____

Electrical and Water Service to the site: _____

Existing Tree Protection: _____

Building Permit Posted: (Name Contractor) _____

NOTES: Builder / Homeowner are responsible for maintaining site. Builder/Homeowner are to be swept clean by 5:00 PM each Friday. If not maintained WBARC will have roadways. Building materials delivered to the site. If building materials delivered to the site spill onto road builder/homeowner to clear materials from roadway. If not cleared from roadway after noon have roadway clean and bill the homeowner. Requirements for neighboring sites: Homeowner/Builder must have written approval of Dumpsters, building materials, construction equipment, vehicle parking and landscaping must responsibility of homeowner under construction to make necessary repairs to bring impacts

Signatures: (note: representative required on site at time of review)

Homeowner: _____ I

Builder: _____ I

WBARC: _____

Photos on file? YES NO

WATERBRIDGE ARCHITECTURAL GUIDELINES - January 2013

SHOW FORMS AND CHECKLISTS DEMONSTRATING YOU HAVE A PRACTICAL SYSTEM IN PLACE

WATERBRIDGE

WATERBRIDGE ARCHITECTURAL REVIEW SUBMITTAL FORM EIGHT (one page) LOT INSPECTION AT DRY-IN

1. Lot Number: _____ Inspection Date: _____
2. Street Address: _____
3. Homeowner: _____
4. Builder: _____

Curbcut: Any damage due to new construction: _____

Water Meter: Condition of cover and piping: _____
Type of protection: _____
Sanitary System: Condition of cover and piping: _____
Type of protection: _____
Silt Fence Condition: Road Side _____
Interior property line: _____
Condition of Stone for driveway and location of dumpsters/port-a-potty, site trash: _____

Sample Board: Material on home same as board? If No, explain: _____

General Condition of Roadway: Needs cleaning and/or other: _____

Building materials stored: If on neighboring property is permission authorized? If No, explain: _____

Exterior Home Massing and Details: as approved: If no, explain: _____

Landscape Elements: as approved: If no, or plan not yet submitted, explain: _____

Signatures: (note: representative required on site at time of review)

Homeowner: _____ Date: _____

Builder: _____ Date: _____

WBARC: _____ Date: _____

Photos on file? YES NO

WATERBRIDGE

ARCHITECTURAL REVIEW SUBMITTAL FORM NINE (one page) LOT INSPECTION AT FINAL REVIEW

1. Lot Number: _____ Inspection Date: _____
2. Street Address: _____
3. Homeowner: _____
4. Builder: _____

Curbcut: Any damage due to new construction: _____

Water Meter: Condition of cover and piping: _____
Type of protection: _____
Sanitary System: Condition of cover and piping: _____
Type of protection: _____
Silt Fence Condition: Road Side _____
Interior property line: _____
Condition of Stone for driveway and location of dumpsters/port-a-potty, site trash: _____

Sample Board: Material on home same as board? If No, explain: _____

General Condition of Roadway: Needs cleaning and/or other: _____

Building materials stored: If on neighboring property is permission authorized? If No, explain: _____

Exterior Home Massing and Details: as approved: If no, explain: _____

Landscape Elements: as approved: If no, or plan not yet submitted, explain: _____

Repair of neighboring property where used during the construction process? _____

Signatures: (note: representative required on site at time of review)

Homeowner: _____ Date: _____

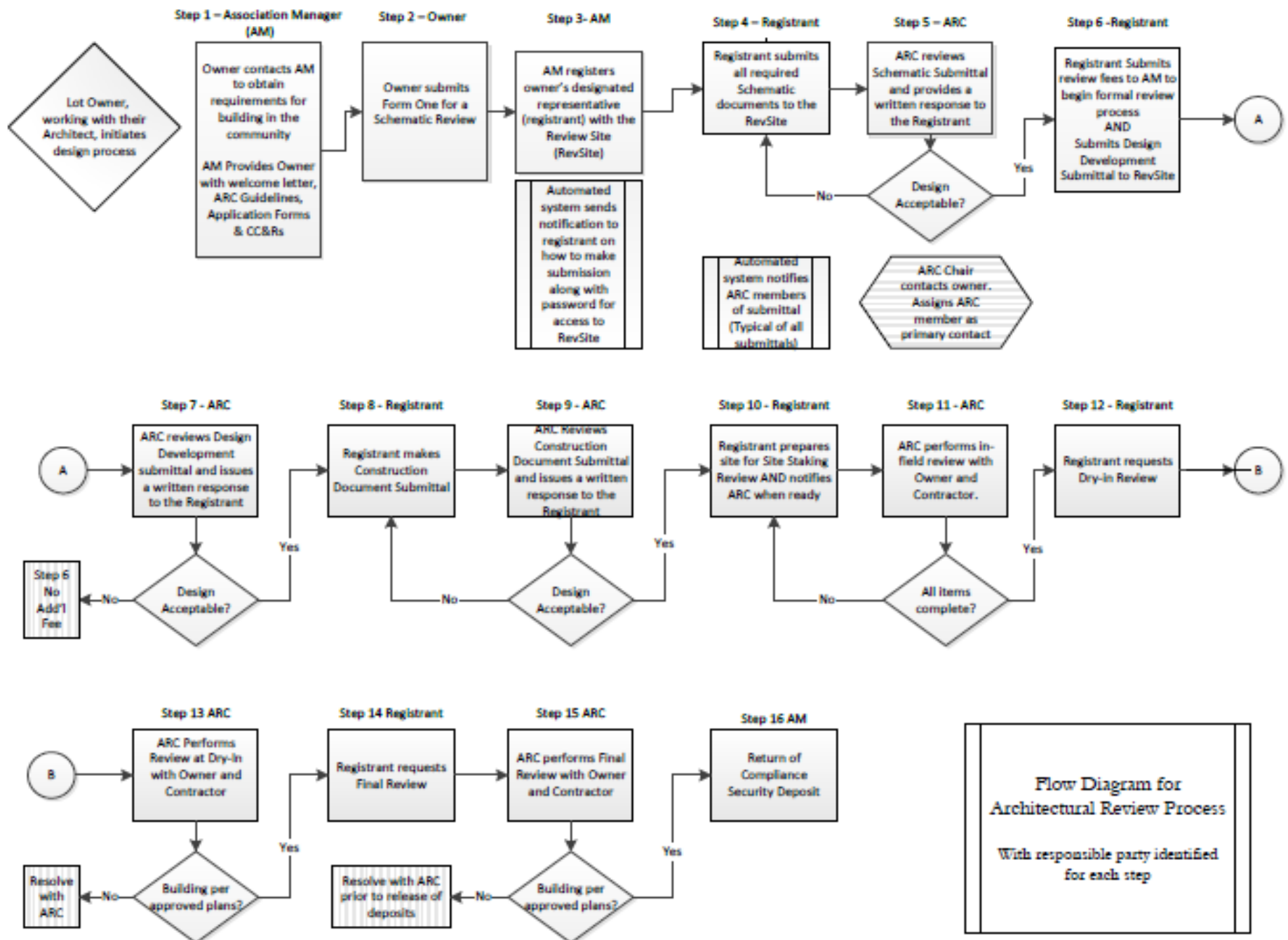
Builder: _____ Date: _____

Is Security Deposit Authorized for release? Explain YES or NO: _____

Is there any outstanding claim with the contractor's insurance company with respect to community property pending resolution? If yes, explain: _____

WBARC: _____ Date: _____

Photos on file? YES NO



charette

architecture
planning
community
services

Charette Architects, PLLC

PO Box 481000
Charlotte, NC
28269

Phone: 704.555.8400

info@charettearchitects.com

J. Richard Abney, Jr., AIA
Partner

July 20, 2011

Mr. & Mrs. Lot Owner
PO Box 1
Somewhere, NC 27502

e-mail: ejlotowner@rahoo.com

Re: Cannonsgate Lot xx
Bogue, NC

Dear Mr. & Mrs. Lot Owner:

We have been directed by the Cannonsgate Homeowner Association, Inc. Board of Directors to advise you that an Executive Committee hearing has been scheduled in accordance with Chapter 47F of the North Carolina Planned Community Act, and the Cannonsgate Covenants to address your failure to comply with the requirements of the Cannonsgate Architectural Guidelines, for which you were previously notified.

The hearing is scheduled **August 12, 2011 at 1:00 PM at the Cannonsgate Manor House.**

The original notification of violations dated June 9, 2011 included the following:

Violation(s):

Article 5.7: Windows, Doors, Shutters and Trim:

Materials: Windows shall be framed in vinyl or aluminum clad wood (no full vinyl windows are permitted) in clear glass or a tinted glass in gray or smoke colors.

Article 3.11: Time to Complete Construction:

If no maximum time period is specified in the approval or any other agreement, construction of a new residence shall be completed within twelve months of CANNONGATE ARC approval of the staking plan. The Applicant may request an extension of up to six months if requested not less than thirty days prior to the expiration of the maximum time period, which the CANNONGATE ARC may approve or disapprove, in its sole discretion.

Article 2.4 Responsibility for Compliance:

It is the responsibility of the Owner and Builder to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions. The CANNONGATE ARC does not review submittals for compliance with such requirements.

Demonstrate that you know how to properly enforce the Guidelines by means other than resorting to legal action.

With respect to Article 5.7: It was the determination of the Architectural Review Committee that you had delivered to your site non-compliant (full vinyl) windows and required that you remove same and replace with an approved material. You then proceeded to install the non-compliant windows indicating that you would later remove them and replace them with an approved window.

With respect to Article 3.11: At the time the June 9 letter was issued, you were close to the one year time limit for the completion of your house. You since provided a response asking for an extension according to the following schedule:

Timeline to complete [redacted] nnonsgate

	Complete the week of:
1. Interior doors	June 19th
2. Insulation	June 19th
3. Finish siding	June 19th
4. Hang Drywall	June 26th
5. Paint exterior	June 26th
6. Install interior trim	July 3rd
7. Kitchen cabinets	July 10th
8. Tile work	July 10th
9. Complete plumbing	July 17th
10. Interior paint	July 24th
11. Complete wiring	July 31st
12. Brick veneer.	August 7th
13. Heating/Air finished	August 14th
14. Floors	August 21st
15. Flatwork	September 4th
16. Finished grading and landscaping	September 11th

You have passed more than half of the deadline dates and have failed to complete or make substantial progress on all but one of the items.

With respect to Article 2.4: The ARC observed several non-compliance notices from the Building Officials indicating that the home is not being constructed in accordance with the current building codes. We required you to provide the name of a competent superintendent you will engage and place on site to ensure this project runs smoothly toward completion. You responded that you intended to have an engineer certify the construction after the fact. Since it is unlikely that an engineer will certify concealed items such as the nailing pattern on the sheathing that they did not observe being

installed, and that the local inspector does not necessarily have to accept an engineer's letter, the intent of this requirement has not been met.

Due primarily to the lack of professional supervision on site on a day to day basis, it is unlikely that the code issues will be resolved or the home will be completed in accordance with your proposed schedule. Also, your decision to install non-compliant windows with the belief that you can replace them later does not account for the problems that will be experienced on both the interior and exterior of the home after other finishes are installed.

The ARC and the HOA Board are more interested in having you complete the home as opposed to having you pay fines or face other restrictions which may be imposed in accordance with Chapter 47F. However, your failure to demonstrate that the construction is being managed in a manner that will allow you to meet your stated goals raises concerns.

To that end, your attendance at the hearing will allow the Board to make a determination as to action it deems appropriate to your situation. You can expect that at a minimum, professional supervision on site will be required. If you can address this ahead of the hearing, you will have accomplished a major objective of the hearing.

If you have comments or questions concerning this hearing notification, or would like to propose a more immediate solution, you must respond within ten days in writing to:

The Cannonsgate Homeowner Association, Inc.
c/o Charette Architects, PLLC
PO Box 481000
Charlotte, NC 28269

Best Regards,
Charette Architects, PLLC
for the Cannonsgate ARC

cc: Cannonsgate Board of Directors

HEARING NOTIFICATIONS

charette

architecture
planning
consultancy
services

June 9, 2011

Mr. & Mrs. Lot Owner
PO Box 1
Somewhere, NC 27502

e-mail: eglotowner@yahoo.com

Re: Cannonsgate Lot xx
Bogue, NC

Dear Mr. and Mrs. Lot Owner:

We have been directed by the Cannonsgate Homeowner Association, Inc. Board of Directors to advise you that you are currently in violation of one or more of the Cannonsgate Architectural Guidelines, as follows:

Violation(s):

Article 5.7: Windows, Doors, Shutters and Trim:

Materials: Windows shall be framed in vinyl or aluminum clad wood (no full vinyl windows are permitted) in clear glass or a tinted glass in gray or smoke colors.

Article 3.11: Time to Complete Construction:

If no maximum time period is specified in the approval or any other agreement, construction of a new residence shall be completed within twelve months of CANNONSGATE ARC approval of the staking plan. The Applicant may request an extension of up to six months if requested not less than thirty days prior to the expiration of the maximum time period, which the CANNONSGATE ARC may approve or disapprove, in its sole discretion.

Article 2.4 Responsibility for Compliance:

It is the responsibility of the Owner and Builder to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions. The CANNONSGATE ARC does not review submittals for compliance with such requirements.

It is the determination of the committee that you have installed non-compliant (full vinyl) windows and these must be removed and replaced with an approved material.

Secondly, you are close to the one year time limit for the completion of your home. The ARC will be required to take additional action if this deadline is passed without completion. One course of corrective action requires you to apply for an extension.

VIOLATION NOTIFICATION

Reference Specific Guideline Section or Covenant Article

Convey ARB Determination and Remedy

For consideration, you must give a specific timetable for completion of each phase of your construction so that your progress may be monitored.

Third, the ARC has observed several non-compliance notices from the Building Official indicating that the home is not being constructed in accordance with the current building codes. We are herein requiring you to provide the name of a competent superintendent you will engage and place on site to ensure this project runs smoothly toward completion.

Please correct the violations within ten (10) days. Failure to correct this violation within ten (10) days will result in a violation hearing where fines may be levied against your account and other penalties may be pursued in accordance with the Covenants and Chapter 47F of the North Carolina Statutes.

If you have comments or questions concerning this violation, or you have corrected the problem within the prescribed ten days and wish to notify us, you must send a response in writing to:

The Cannonsgate Homeowner Association, Inc.
c/o Charette Architects, PLLC
PO Box 481000
Charlotte, NC 28269

Best Regards,
Charette Architects, PLLC
for the Cannonsgate ARC

cc: Cannonsgate Board of Directors

Ensure Remedy is specified in the
Covenants

Step Five Develop a Review Board Services Component for your professional practice.

Three suggested initiatives:

A. Develop a “Business Model”

B. Write a “Business Plan”

C. Participate in the Review Board Services
“Learning Organization”

I THE BUSINESS MODEL

A. Acquire high-value customers.

High-value customers doesn't mean rich customers, but customers who meet the following requirements:

1. Are easy to access
2. Allow you to charge a profitable price
3. Are willing to enter into a contract after minimal marketing visits
4. Can generate enough business to meet your sales and profit objectives

THE BUSINESS MODEL

B. Offer significant value to customers.

There are a number of ways you can create significant value and competitive advantage, including the following:

1. Unique advantages in knowledge and experience.
2. More complete customer solutions through alliances with other professionals.
3. Fees that are commensurate with the value provided.
4. Faster delivery, continual improvement of the process.

THE BUSINESS MODEL

C. Deliver services with high margins.

High margins come from providing a service that can be made from an improved process or by having features that provide additional value and allow you to acquire additional fees.

II WRITING THE BUSINESS PLAN

The writing process forces you to fine-tune your ideas.

Before you begin writing, however, you should already have done the following:

1. Defined your business purpose;
2. Assessed your business environment;
3. Charted your strategy;
4. Detailed your individual or company capabilities;
5. Designed your marketing plan;
6. Defined Financial Milestones.

III. Participate in this “Learning Organization”

1. Work to gain understand how parts relate to the whole,
2. Commit to individual learning and assisting individual learning in others,
3. Promote open exchange of ideas,
4. Develop shared vision – align personal goals with goal of developing standard of practice for the profession...
5. Participate in team learning...