

The Sanctuary at Oak Creek Homeowner's Association, Inc.

RESOLUTION OF THE BOARD OF DIRECTORS ARCHITECTURAL CONTROL COMMITTEE – CHARTER

ESTABLISHING THE ARCHITECTURAL CONTROL COMMITTEE FRAMEWORK, APPOINTING THE INITIAL ARCHITECTURAL CONTROL COMMITTEE, DESIGNATING AN ADMINISTRATIVE REVIEWER, AND DEFINING THE SCOPE OF AUTHORITY OF THE ARCHITECTURAL CONTROL COMMITTEE(S)

WHEREAS, the Declaration of Covenants, Conditions and Restrictions, together with the Association's Governing Documents, authorize the Association to review and approve proposed exterior alterations, improvements, modifications, and other architectural applications; and

WHEREAS, the Board of Directors desires to establish a consistent and efficient architectural review process while ensuring that all applications are reviewed in accordance with the Governing Documents and duly adopted Design Standards;

WHEREAS, the Board further desires to authorize administrative approval of applications that objectively comply with the Governing Documents and adopted Design Standards, while reserving discretionary matters for committee review;

WHEREAS, the Board finds it appropriate to clarify the authority and limitations of the ARCHITECTURAL CONTROL COMMITTEE to promote uniform application of the Association's architectural standards and to ensure that architectural policies remain under the authority of the Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby establishes the ARCHITECTURAL CONTROL COMMITTEE and adopts the following provisions governing its authority and operation:

- 1. Purpose:** The ARCHITECTURAL CONTROL COMMITTEE ("ARC") is established to review architectural applications submitted pursuant to the Declaration and other Governing Documents and to determine whether proposed improvements comply with the Association's adopted Design Standards, Architectural Guidelines, Rules, and other Board-adopted policies.

The ARC serves solely in an administrative capacity. Legislative authority, including the adoption, amendment, interpretation, expansion, or repeal of architectural standards, remains exclusively vested in the Board of Directors.

- 2. Appointment of Members & Framework** – The Board hereby establishes the ARC framework for the Association and appoints the following individuals to serve as the initial ARC:

Position	Name
Chairperson	
Member	
Member	
Alternate Member	

ARC members shall serve at the pleasure of the Board and may be removed, replaced, not utilized, or supplemented by subsequent Board action.

ARC members are required to sign and adhere to the Oath of Office and Code of Conduct that shall be provided by the Association.

3. Administrative Review:

- a. The Board may appoint one or more Designated Reviewers, who shall be the ARC Chairperson unless otherwise indicated, by separate resolution to administratively review architectural applications and approve applications that objectively comply with the Governing Documents and adopted Design Standards that the Board permits to be approved in this manner.
- b. The authority, duties, limitations, and procedures applicable to Designated Reviewers shall be established by separate Board resolution, as amended from time to time.
- c. If no such authority is designated to the Designated Reviewer, then the ARC must meet to approve any ARC applications.
- d. No ARC application may be denied by the sole discretion of the Designated Reviewer at any time.

4. Jurisdiction:

- a. The jurisdiction of the ARC shall be limited to reviewing completed architectural applications referred for committee consideration.
- b. The ARC shall determine only whether the proposed improvement complies with:
 - i. the Declaration;
 - ii. the Association's Governing Documents;
 - iii. adopted Design Standards;
 - iv. Architectural Guidelines;
 - v. Board-adopted resolutions;
 - vi. other written policies governing architectural review.
- c. No application can be denied unless an application or incomplete or a rule or covenant of the Association would be violated if approved, and ARC meeting is properly noticed (48 hours posted notice) and held in which owners are free to attend.

5. Authority – The ARC may:

- a. approve applications that comply with the Governing Documents;
- b. deny applications that are incomplete or expressly prohibited by the Governing Documents or adopted Design Standards;
- c. approve applications subject to conditions expressly authorized by existing written standards;
- d. request additional information from applicants and deny; and
- e. recommend amendments to Design Standards for future Board consideration.

6. Limitations of Authority – The ARC shall have no authority to:

- a. unilaterally create new architectural standards;
- b. impose requirements not contained within the Governing Documents or Board-adopted Design Standards;
- c. deny an application based solely upon subjective personal preference where the application otherwise complies with existing written standards;
- d. establish precedent inconsistent with adopted standards;
- e. amend, expand, interpret, or repeal Design Standards;
- f. grant variances unless specifically authorized by the Governing Documents;
- g. adopt policies binding upon the Association;
- h. direct management, vendors, contractors, legal counsel, or the Board of Directors;
or
- i. exercise authority not specifically granted by this Resolution; and/or

The ARC shall review and approve or deny a complete architectural application within thirty (30) days after receipt of the complete application and all required supporting documentation.

The existence of any prior improvement, alteration, or condition that was previously constructed without approval, approved under prior standards, approved in error, grandfathered, subject to prospective enforcement, subject to settlement, or otherwise inconsistent with the Governing Documents shall not constitute authority for the ARC shall review and approve or deny a complete architectural application within thirty (30) days after receipt of the complete application and all required supporting documentation. to approve a subsequent application that does not otherwise comply with the Governing Documents and adopted Design Standards/Guidelines.

If, during its review of an application, the ARC becomes aware of an existing improvement that may violate the Governing Documents, the ARC shall not determine whether enforcement action should be taken, and the matter shall instead be referred to Association management or the Board for separate consideration under the Association's Enforcement Policy; provided, however, that the ARC shall review and approve or deny a complete architectural application within thirty (30) days after receipt of the complete application and all required supporting documentation.

The ARC shall have no authority to determine whether selective enforcement, waiver, estoppel, grandfathering, prospective enforcement, settlement agreements, prior Board

actions, or other legal or equitable defenses apply to any application. Whenever such issues are presented or reasonably appear to exist, the application shall be referred to the Board of Directors for further consideration.

The ARC shall have no authority to approve or deny requests for reasonable accommodation or reasonable modification under the Fair Housing Act, the Americans with Disabilities Act, or other applicable law. Any application containing or reasonably appearing to contain such a request shall immediately be referred to the Board of Directors for consideration and, when appropriate, legal review.

Unless expressly authorized by the Governing Documents, the ARC shall have no authority to grant variances from the Governing Documents. Any request for a variance shall be referred to the Board of Directors together with the ARC's recommendation.

The ARC shall apply the Governing Documents and Board-adopted Design Standards as written. The ARC shall not establish new architectural requirements, expand existing restrictions, create unwritten standards, or deny an application based solely upon subjective preference.

If the ARC believes existing standards should be modified or expanded, it shall submit its recommendations to the Board of Directors for consideration. No recommendation shall become effective unless adopted by the Board at a duly noticed meeting.

- 7. Mandatory Referral to the Board** – The Designated Reviewer or ARC shall refer an application to the Board of Directors whenever the application:
 - a. requests a variance;
 - b. requests a reasonable accommodation or reasonable modification under applicable law;
 - c. raises a claim of selective enforcement, waiver, estoppel, grandfathering, prospective enforcement, settlement, or similar legal issue;
 - d. presents a question concerning interpretation of the Declaration or other Governing Documents; or otherwise presents an issue beyond the authority granted to the Committee by this Resolution and Charter.
- 8. Records:**
 - a. The Designated Reviewer shall maintain records of all administratively approved applications and provide them to the manager of the Association.
 - b. The ARC shall maintain written minutes or written decision forms reflecting committee actions.
 - c. Copies of all approvals and denials shall be maintained among the Association's official records.
- 9. Appeals:**
 - a. Nothing contained in this Resolution limits any right of review or appeal otherwise provided by the Governing Documents or Florida law.

10. Effective Date:

- a. This Resolution shall become effective immediately upon adoption and shall remain in effect until modified or rescinded by the Board of Directors.

ADOPTED by the Board of Directors of The Sanctuary at Oak Creek Homeowner's Association, Inc., at a duly noticed meeting held on 10/12/2026.

**BOARD APPOINTMENT OF ARCHITECTURAL CONTROL COMMITTEE MEMBERS
APPROVED AS FOLLOWS:**

Motion by: Brad Downey

Seconded by: Charlie Lawrence

Vote: x Approved Disapproved

Signatures:

President: 

^{VP}
Secretary: 

Date: 10/12/26

ACCEPTANCE OF APPOINTMENT TO THE ARCHITECTURAL CONTROL COMMITTEE

I understand the appointment to serve as a member of the Architectural Control Committee of The Sanctuary at Oak Creek Homeowner's Association, Inc. (the "Association").

In accepting this appointment, I acknowledge that the Architectural Control Committee performs an important role in reviewing applications for proposed improvements and administering the Association's architectural standards. I understand that the authority of the Architectural Control Committee is derived from, and limited by, the Association's Governing Documents, Board-adopted Design Standards, resolutions, policies, and applicable law.

I agree to perform my responsibilities fairly, objectively, consistently, and in good faith. I further agree to review applications based upon the standards applicable to the proposed improvement and to avoid allowing personal preferences, relationships, or considerations unrelated to the application to influence my decision.

I acknowledge that the Architectural Control Committee is responsible for applying the Association's existing architectural standards and does not independently establish or amend the Association's architectural policies. When I believe a standard should be clarified, amended, expanded, or modernized, I will raise that issue for consideration through the appropriate Association process rather than applying a new or unwritten requirement to a pending application.

I have received and reviewed the Association's Architectural Control Committee Resolution, applicable Design Standards, and the Architectural Control Committee Code of Conduct attached hereto. I agree to comply with those documents and any other procedures properly adopted by the Board of Directors governing the review of architectural applications.

By signing below, I acknowledge my acceptance of appointment and my agreement to faithfully perform the duties assigned to the Architectural Control Committee.

Signature: _____

Print: _____

Date: _____

Architectural Control Committee Code of Conduct

The Architectural Control Committee serves an important role in preserving the architectural character of the community while ensuring that owners' applications are reviewed fairly, consistently, and within the authority granted by the Association's Governing Documents.

Committee members may exercise judgment when the applicable standards permit discretion. However, that judgment must remain grounded in the Governing Documents, the Association's adopted Design Standards, the characteristics of the proposed improvement, and the information properly presented with the application.

The Committee's responsibility is to apply the Association's architectural standards—not to create new standards, expand existing restrictions, or substitute personal preferences for the requirements contained in the Governing Documents and Board-adopted Design Standards.

ARCHITECTURAL CONTROL COMMITTEE MEMBERS SHALL:

1. Review each application fairly, objectively, and in good faith.
2. Apply the Association's Governing Documents, Design Standards, resolutions, and Board-adopted policies consistently.
3. Consider each application based upon the proposed improvement, the applicable standards, and the information submitted in support of the application.
4. Exercise architectural judgment only when discretion is authorized by the applicable Governing Documents or Design Standards.
5. Avoid allowing personal preferences, relationships, prior disagreements, or considerations unrelated to the proposed improvement to influence the review of an application.
6. Treat applicants, owners, fellow Committee members, management representatives, contractors, and other participants with courtesy, professionalism, and respect.
7. Ask reasonable questions and request information necessary to determine whether an application complies with the applicable requirements.
8. Identify the specific standard, restriction, guideline, or other basis supporting the Committee's decision.
9. Act promptly and diligently so that applications are reviewed within the time periods established by the Governing Documents and applicable procedures.
10. Disclose any personal, financial, business, or other interest that could reasonably call the member's impartiality into question and refrain from participating when appropriate.
11. Refer matters outside the Committee's authority to the Board of Directors, management, or other appropriate Association representative.
12. Maintain accurate records of applications, supporting materials, decisions, and any conditions imposed as part of an approval.
13. Ensure that any condition imposed upon an approval relates to the proposed improvement and is authorized by the applicable Governing Documents or Design Standards.
14. Promptly communicate the Committee's decision and the basis for that decision through the procedures established by the Association.

15. Recommend proposed amendments or clarifications to the Design Standards to the Board when the Committee believes the existing standards are unclear, incomplete, outdated, or no longer serve the community's needs.

ARCHITECTURAL CONTROL COMMITTEE MEMBERS SHALL NOT:

1. Predetermine the outcome of an application before reviewing the materials submitted and considering the applicable standards.
2. Create or apply a new architectural requirement that has not been authorized by the Governing Documents or properly adopted by the Board of Directors.
3. Expand a restriction beyond its written language or deny an application based solely upon an unwritten preference.
4. Substitute personal taste or subjective preference for the standards governing the proposed improvement, except where the Governing Documents expressly authorize the exercise of aesthetic judgment or discretion.
5. Treat similarly situated applicants differently without a reasonable basis grounded in the Governing Documents, Design Standards, or material differences between the proposed improvements.
6. Allow an applicant's identity, reputation, prior disputes, enforcement history, or relationship with any Committee member to determine the outcome of an application.
7. Grant a variance, exception, waiver, or other departure from the applicable requirements unless that authority has been expressly delegated to the Committee.
8. Decide legal issues outside the Committee's assigned role, including claims involving waiver, estoppel, selective enforcement, grandfathering, vested rights, prospective enforcement, settlement, or the interpretation of disputed legal provisions.
9. Decide requests for reasonable accommodation or reasonable modification under federal or state fair housing laws unless expressly authorized to do so by the Board and legal counsel.
10. Direct Association employees, management personnel, contractors, or vendors except as authorized through established Association procedures.
11. Represent that an individual Committee member has authority to approve, deny, condition, or modify an application outside the Committee's established review process.
12. Engage in conduct that would reasonably call into question the fairness, objectivity, professionalism, or integrity of the Committee's review process.

REVIEW AND DECISION-MAKING

Committee discussions should remain focused on whether the proposed improvement complies with the applicable Governing Documents and Design Standards.

When the applicable standards provide discretion, the Committee should exercise that discretion reasonably, consistently, and in consideration of the community's established architectural character. Discretion does not authorize the Committee to impose requirements unrelated to the proposed improvement or unsupported by the Governing Documents.

A decision to deny or conditionally approve an application should identify the applicable standard or other basis for the decision with sufficient clarity to allow the applicant to understand what is required.

When an application raises a question outside the Committee's authority, the Committee should refer the matter for further review rather than attempting to decide the issue itself.

When the Committee believes the existing standards should be revised, the Committee may make recommendations to the Board of Directors. Proposed changes should be considered separately from the Committee's review of any pending application.

ACKNOWLEDGMENT

By accepting appointment, each Committee member agrees to comply with this Code of Conduct and to perform the responsibilities of the Architectural Control Committee fairly, objectively, consistently, professionally, and within the authority delegated by the Association.

Signature: _____

Print: _____

Date: _____