



*Reserve at the Fairways Condominium Association*  
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2/17/23

SUBJ: Architectural Review Policies & Procedures (v1.1)

Objectives:

- To ensure that all owners understand the Association’s architectural review policies and their applicability to Unit Owner desires to modify Common Elements, Limited Common Elements, and to a limited extent, Unit Elements
- To ensure that all owners understand the architectural review procedures for requesting approval to alter any element subject to Architecture Review Committee oversight

Citations:

- All citations from “the Declaration” are taken from the *Amended and Restated Declaration of Condominium Property for The Reserve at the Fairways Condominium* (recorded October 28, 2021).
- All citations from “the Community Rules” are taken from the *Reserve at the Fairways Community Rules* (last updated July 2022).

Definitions:

- **APRF:** Architectural Project Review Form. This form is the vehicle for submitting an architectural project proposal.
- **ARC:** Architectural Review Committee. This committee is composed of a select group of unit owners (one or more) who have been designated by the Board and given authority to make final decisions on architectural project proposals.
- **CEs:** Common Elements. According to Article I of the Declaration, Common Elements “shall mean all of the Condominium Property except that portion thereof described in the Declaration as constituting a Unit or Units.”
- **LCEs:** Limited Common Elements. According to Article I of the Declaration, Limited Common Elements “shall mean those Common Elements serving exclusively one (1) Unit or more than one (1) Unit but less than all Units, the enjoyment, benefit or use of which are reserved to the lawful Occupants of that Unit or Units either in this Declaration or by the Board.” According to Article XVII, Section 17.04(b) of the Declaration, it is the responsibility of each Unit Owner to “maintain, repair and replace, at his expense those areas or items which are designated by this Declaration as Limited Common Elements for the exclusive use of such Unit Owner.”
- **PMC:** the Property Management Company currently contracted by the Association.
- **UEs:** Unit Elements. According to Article I of the Declaration, a Unit “shall mean a part of the Condominium Property consisting of one (1) or more rooms on one (1) or more floors of a building(s) that are designated a Unit by this Declaration or Amendment and are delineated on the Drawings and in the Drawings attached to an Amendment.” According to Article XVII, Section 17.04(a) of the Declaration, it is the responsibility of each Unit Owner to “maintain, repair and replace, at his expense, all portions of his Unit and all internal installations of such

Unit such as appliances, heating, plumbing, electrical and air conditioning fixtures or installations, and any portion of any other utility service facilities located within the Unit boundaries and which exclusively serve such Unit.”

#### Overview:

In 2011, management of the Reserve at the Fairways Condo Association was transferred to owners by the developer. Since that time, the Condo Association Board has exercised oversight over the management, maintenance, repairs, alterations, and improvements of CEs, LCEs, and to a limited extent, UEs. This oversight has been governed by the Association’s Declaration and has been expressed to an extent in the Community Rules. In 2019, the oversight process was formalized with the establishment of the Architectural Review Committee and the creation of the Architectural Project Request Form (Atch 1). The following text attempts to condense the architectural review policies and procedures into a single comprehensive document, removing the need for Owners and Board members to rely on the APRF and often cumbersome and voluminous governing documents.

#### Architectural Review Policies:

- From the Declaration:
  - Section 13.06 states that “Nothing shall be done in any Unit or in, on, or to the Common Elements that will impair the structural integrity of the building(s) or which would change the building(s).”
  - Section 18.01 states that “...no building, fence, wall, sign or other structure shall be commenced, erected or maintained...nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing by the Board or its designated representative, as to lawfulness and appropriateness, and as to harmony of external design, color and location....”
- From the Community Rules:
  - The definition of Limited Common Element (LCE) states that “The Occupant is responsible for maintaining LCEs in accordance with established appearance schemes and standards.”
  - Section 1.1 states that “All modifications (including improvements and additions) to CEs, LCEs, and Units (in limited instances) constitute an architectural project and are subject to this process.”
  - Section 6.1 states the following: “Modifications, while generally permitted, constitute an architectural project and must adhere to the Architectural Project Review Process (see Rule 1.1). Windows, doors (including garage doors), and associated frames (which fall under the definition of a Unit) constitute an architectural project and are subject to the Architectural Project Review Process (see Rule 1.1) due to their impact on community appearance schemes and the ARC’s responsibility for ensuring compliance with these schemes[.] Flagpole holders, while generally permitted, constitute an architectural project and must adhere to the Architectural Project Review Process (see Rule 1.1)[.]”

#### Note on ARC Oversight of Unit Element Modifications:

While the ARC oversight of CEs and LCEs doesn’t generally raise questions, oversight of Unit Elements (UEs) often does. As mentioned above, UEs come under ARC oversight in limited circumstances. While not an exhaustive list, the following are some examples in which oversight of Unit Element modifications must be exercised:

- When the community appearance scheme (coloring and patterns especially) is affected
- When a modification to an internal UE might affect the structural integrity of a CE

### Architectural Review Procedures:

- Unit Owner responsibilities:
  - When an Owner desires to make a modification to an element that falls under any of the categories mentioned above, that Owner must complete the most current version of the Architectural Project Review Form (APRF). This form can be obtained:
    - On the Association’s website
    - Inside the Clubhouse
    - From the Property Management Company (PMC)
  - The Owner must provide sufficient project description and adequate supporting documentation. Failure to do so will result in an extension of the Association’s 30-day suspense period to render a final decision.
  - The Owner must submit the completed APRF, along with required supporting documentation, directly to the PMC in one of the following formats:
    - Electronic, via email or fax
    - Hard copy, via US Mail or hand-delivery to PMC office
  - The Owner must not give the APRF to a Board member or drop in the Clubhouse mail slot.
- Project Management Company responsibilities:
  - The PMC must evaluate the APRF for completeness and supporting documentation for adequacy and must reach out to the Owner if more information is needed.
  - When all needed information has been provided, the PMC must notify the Board and the Architectural Review Committee. At that point, a 30-day suspense “clock” is activated. Note that the 30-day suspense clock will not start until all needed information is provided by the owner.
  - The PMC must provide a comprehensive recommendation to the ARC not later than 21 days after the activation of the 30-day suspense clock. If a recommendation of disapproval is to be provided to the ARC, the recommendation should include, as a minimum:
    - Citations from applicable governing document(s) showing that the request would violate or otherwise not be in compliance with established regulations
    - Summary of discussions with legal counsel, if any
- Architectural Review Committee responsibilities:
  - The ARC must monitor the 30-day suspense clock, ensuring receipt of the recommendation from the PMC not later than 21 days after suspense clock activation.
  - The ARC must review the PMC’s recommendation(s).
  - The ARC must conduct any additional investigation and/or analysis needed to render a decision of approval or disapproval.
  - If appropriate or necessary, the ARC may consult with the Board.
  - The ARC must complete the ARC’s portion of the APRF, including a decision and signature of at least one ARC member.
  - The ARC must provide a copy of the completed and signed APRF to the requesting Owner not later than 30 days after the activation of the 30-day suspense clock.
  - The ARC must provide a copy of the completed and signed APRF to the PMC as soon as is practical.

Ratified by The Reserve at the Fairways Condominium Association Board on 3/20/2023.

Atchs:

1. Architectural Project Request Form (May 2022)