



Binding Resolution of the Board of Directors

#20190911 – Exterior Modifications

WHEREAS, Kelly Plantation is governed by the Board of Directors, who are responsible for the administration of the Association; and

WHEREAS, the Association has the responsibility of upholding its Architectural Standards, as per Article IX of its Amended and Restated Declaration of Covenants, Conditions & Restrictions; and

WHEREAS, the Architectural Review of structures, both new and existing, is to be handled by the New Construction Committee and Modifications Committee, as detailed in Article IX, Section 9.2 (a) & (b); and

WHEREAS, the Modifications Committee was not formed, but rather whose functions were ascribed to the New Construction Committee; and

WHEREAS, the Board has determined that New Build Design Fees may no longer cover the Association's related expenses for Design Review, including those reviews modifications of existing structures; and

WHEREAS, the Association has an interest in ensuring exterior modifications of existing structures comply to applicable architectural standards and design criteria, and such enforcement may require additional expenses by qualified professionals; and

WHEREAS, the Association does not wish to discourage homeowners from maintaining or improving their individual properties, nor does it wish to discourage homeowners from submitting such proposed improvements to the NCC for review;

NOW, THEREFORE, The Board of Directors hereby resolves the following regarding administrative costs and compliance deposits for exterior modifications of existing structures:

- 1) An administrative review fee is required for exterior modifications which, at the discretion of the NCC Administrator, would require the Committee to meet and review the modification;
- 2) A compliance inspection fee may be required for certain modifications which, at the discretion of the NCC Administrator or majority vote of the Committee, such modification shall be inspected by a qualified professional to ensure adherence to approved plans;
- 3) Refundable Compliance Deposits will be required for all Exterior Modifications to ensure the requesting homeowner does not deviate from the approved plans;
- 4) If, in the judgment of the NCC Administrator, a proposed exterior modification which did not require an administrative review fee at the time of application, requires the service of a qualified professional for a compliance inspection, that fee shall become due within ten (10) business days from the date of notice to the homeowner by the NCC Administrator;
- 5) Such administrative review fees will not be applied against the refundable compliance deposit, but must be paid separately by the requesting homeowner;
- 6) The Schedule of Administrative Review fees, Compliance Inspection fees, and Refundable Compliance deposits is depicted in this Resolution as Exhibit A;
- 7) Homeowners must notify the NCC Administrator of completion of their project within ten (10) business days of the completion date;



- 8) Compliance inspections shall be scheduled after notification within ten (10) business days of the notification date;
- 9) Deposits will be forfeited by the Homeowner by majority vote of the NCC after discovery of a non-compliant exterior modification; non-compliance of an approved plan will also result in the Association's taking action to correct the non-compliance, after proper notice of the violation pursuant to Section 3.24 of the By-Laws, as prescribed in Section 9.7 of the Declaration;
- 10) Homeowners requesting a variance from specific criteria or guidelines may be subject to an administrative fee of \$500 and a refundable compliance deposit of \$2000 in addition to any applicable fees and deposits as described in Sections 1 and 2 of this Resolution;
- 11) These fees shall become applicable Thursday, September 19, 2019 for any and all applications received after said date.

EXHIBIT A – SCHEDULE OF FEES, DEPOSITS

| Exterior Modification Description | Administrative Review Fee | Compliance Inspection Fee (if applicable) | Refundable Compliance Deposit |
|-----------------------------------|---------------------------|-------------------------------------------|-------------------------------|
| Landscaping | \$0 - \$1,000* | \$355 | \$500 |
| Driveways/Hardscape | \$0 - \$300* | \$355 | \$500 |
| Fences | \$0 - \$300* | \$355 | \$500 |
| Pools | \$500 | \$500 | \$1,000 |
| Pools with Enclosures | \$1,000 | \$500 | \$2,000 |
| Painting (Color Change) | \$0 - \$150* | \$120 | \$500 |
| Decks, Docks, Seawalls | \$300 - \$1,000* | \$500 | \$1500 |
| Additions** | \$500 - \$1,500* | \$500 | \$2,500 - \$5,000*** |

* Administrative Review Fee is variable depending upon overall scope of work, and is at NCC Administrator's discretion

** Fee shall be determined on a sliding scale based on total project costs with plans submitted by an Approved Architect; \$500 for projects less than \$40,000; \$1,000 for projects greater than \$40,000 but less than \$75,000; \$1,500 for projects greater than \$75,000 but less than \$100,000

*** Deposits shall be determined based on total project costs with plans submitted by an Approved Architect; \$2,500 deposit required for projects less than \$100,000; \$5,000 deposit required for projects greater than \$100,000.

This resolution was adopted by an affirmative vote of the Board of Directors this 11th day of September, 2019.

Ron Todd, President

Jordan Hightower, Secretary