

Section 1. - Sample Provision Excerpt (Public Preview)

exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony or external design and location in relation to surrounding structures and topography, by the developer as long as he...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · HIGH LEGAL & ENFORCEMENT RISK

BOARD & COUNSEL REVIEW

Sec. 1. (p. 34): Architectural control provision sets an extended 45 - 90 day review timeline, deems applications denied by silence, or vests sole subjective aesthetic discretion without requiring a written denial citing specific published guidelines under Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6.

Statutory / Legal Reference: Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6

Statutory Comparison: Under Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6 and modern common-interest servitude law, architectural review authority must be exercised reasonably, in good faith, and in accordance with objective published architectural standards.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Require the Architectural Review Committee to issue a written decision within 30 days citing the specific published design standard for any disapproval, and provide a right of reconsideration before the Board of Directors under Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6.