

RIVER RUN HOMEOWNERS ASSOCIATION ARCHITECTURAL REVIEW GUIDELINES

ARTICLE I AUTHORITY

These Architectural Review Guidelines are adopted pursuant to the Declaration of Covenants and Restrictions for River Run Subdivision, recorded in the Office of the Recorder of Deeds of Will County, Illinois, on November 18, 1993, as Document # R930103460, as amended from time to time, at Article III, Section 2.

ARTICLE II ARCHITECTURAL REVIEW SUBCOMMITTEE

a. Purpose.

The Architectural Review Subcommittee is established to insure that River Run Subdivision remains an attractive, harmonious residential development with continuing appeal in order to enhance and preserve property values. In order to achieve this objective, architectural controls and maintenance standards shall be established. The purpose of the Architectural Review Subcommittee is to maintain the aesthetic harmony within River Run Subdivision through the review of various exterior improvements to any lot within River Run Subdivision.

b. Composition.

- i) There shall be at least three (3) members of the Architectural Review Subcommittee (hereinafter "ARC") appointed by a vote of a majority of a quorum of the Board of Directors at a meeting, to serve staggered terms of two (2) years.
- ii) A vacancy may be filled by appointment of the Board for the remainder of an unexpired term.
- iii) Subcommittee members may succeed themselves in office for an unlimited number of terms.
- iv) All Subcommittee members must have an ownership interest in a lot located in River Run Subdivision.
- v) Any Subcommittee member seeking review by the Subcommittee or with an economic or personal interest in a matter before the ARC must not participate in the deliberation, or vote of the Subcommittee.
- vi) A Subcommittee member may be removed by a vote of a majority of a quorum of the Board of Directors for good cause shown.
- vii) ARC members shall serve without compensation.
- viii) A quorum shall require attendance of a majority of the members of the ARC.

c. Meeting Schedule.

- i) The ARC shall meet, as necessary, at the Call of the Chair.
- ii) Each ARC member shall be notified, by regular mail, fax, phone or e-mail of each meeting.

d. Administration of the ARC.

- i) The members of the ARC shall elect, from among their number, a Chair, Vice-Chair and Secretary, who shall be the officers of the ARC.
- ii) The term of office of each officer set forth in paragraph I) above, shall be one (1) year.
- iii) Officers of the ARC may succeed themselves in office.

- iv) The Chair shall call and preside at the meetings and oversee the administration of the Architectural Review Guidelines. The Chair shall have the right to cast a vote on all matters.
- v) The Vice-Chair shall perform the duties of the Chair when the Chair is unable to act.
- vi) The Secretary shall ensure that minutes are taken of each meeting and notices are properly sent. The Secretary shall ensure that a copy of the minutes are forwarded to the River Run Homeowners Association (hereinafter "RRHOA") Board of Directors.
- vii) Passage of any motion shall require a majority of a quorum.

e. Responsibility.

The Subcommittee's responsibility is to review the Architectural Improvement Applications for compliance with the requirements of the Declaration of Covenants and Restrictions for RRHOA and the Architectural Review Guidelines stated herein. The Subcommittee shall not assume any responsibility for the following:

- i) Soil erosion or other unstable soil conditions;
- ii) Compliance with all governmental laws, regulations, codes or ordinances;
- iii) Performance or quality of work by any contractor or sub-contractor;
- iv) Structural adequacy or safety of the proposed improvement or structure; and
- v) Any other circumstance not specifically stated in the Association governing documents.

f. Governmental Control.

The requirements of these Architectural Review Guidelines set forth the minimum requirements for compliance. If the Guidelines conflict with the local governmental ordinances, the governmental ordinances shall control.

g. Conflicting Provisions.

The requirements of these Architectural Review Guidelines set forth the minimum requirements for compliance. If the Guidelines conflict with the Declaration of Covenants and Restrictions or any amendments thereto, the Declaration of Covenants and Restrictions and/or the amendments shall control.

ARTICLE III APPLICATION FOR ARC APPROVAL

a. Responsibility of the Property Owner.

i) No construction on a lot or alteration of any existing structure on any lot may be undertaken until the proposed work is approved by the ARC. The property owner assumes all cost, responsibility and risk for entering into a contract or beginning work without the required approval of the ARC. If construction precedes approval, then the fifteen (15) day period for approval as noted in the Covenants and Restrictions shall not apply. Further, if construction precedes approval and approval is not granted, the owner must remove the unapproved construction at the owner's expense, within a reasonable amount of time as determined by the Board pursuant to proper notice from the Board or its agent(s). The ARC has no obligation to review any proposals within the fifteen(15) days set forth in the Covenants and Restrictions unless and until the work is removed.

ii) The City of Naperville requires building permits for certain construction activities. The Applicant shall be required to obtain the necessary permits, at the applicant's expense.

b. Submittal.

i) The Applicant shall obtain an Architectural Improvement Application from the ARC or RRHOA's property management firm.

ii) The Applicant shall complete and return (by hand if possible) the Application with supporting documents to the ARC prior to construction.

c. Required Documentation.

i) The Applicant shall provide the ARC with the following information in addition to the Architectural Improvement Application, to allow the ARC to make a decision:

1) Description of Alteration. - Describe and/or sketch in detail the proposed alteration. Include brochures, contractor proposals, color chips, etc.

2) Plans and Specifications. - Submit plans and specifications which show the nature, kind, shape, height, materials and color scheme of the proposed building or structure drawn to scale.

3) Location. - Show exact location of all existing and proposed structures.

4) Description of Materials. - Provide a listing of all materials to be used in the construction or alteration.

5) Construction Schedule. - Provide a schedule of when the work will begin and the estimated time of completion.

6) Other Documents. - Provide other documents for specific improvements as provided herein or as required by the ARC.

ii) Some applications may require an on-site inspection by the ARC. Such on-site inspections are performed at the sole discretion of the Subcommittee.

iii) The RRHOA Board of Directors hereby reserve the right to request additional information, including, but not limited to, plot surveys.

d. Review Process.

i) The ARC shall review all applications received. The Subcommittee shall review and respond to each application within fifteen (15)

days of the receipt of the application, except as noted in Article III a.

ii) The ARC may suggest revisions to the Applicant's proposal in order to comply with the Architectural Review Guidelines.

iii) The ARC shall advise the Applicant in writing by either personal delivery, postal delivery or fax of its decision within five (5) business days of the date on which the decision was made.

e. Notice.

Any notice sent by the ARC shall be sent by regular mail or by fax to the last known address or number of the Applicant.

ARTICLE IV APPEAL OF ARC DECISION

Appeal Process.

- i) Applicant may appeal the decision of the ARC to the Board of Directors. The appeal shall be in writing and shall state the reasons for the appeal.
- ii) The appeal shall be submitted in writing to the Chairperson of the ARC with a copy to the President of the Board of Directors within thirty (30) days of notification to the Applicant of the ARC decision.
- iii) The appeal shall be considered at a regularly scheduled or specially-called Board meeting. The Board of Directors shall notify the Applicant, in writing, by personal delivery or postal service, of the date of the Board meeting when the appeal will be considered.
- iv) The meeting shall occur within forty-five (45) days of the receipt of the appeal by the ARC.
- v) The decision of the Board of Directors shall be in writing and shall be final and binding on the ARC and the Applicant.

ARTICLE V VARIANCES

Variance Process.

- i) A variance is a request for a change in, or for an exception to, the requirements of the Architectural Review Guidelines.
- ii) The variance request shall be submitted by the property owner in writing and shall state the reasons for the variance. The request and any supporting information and documentation necessary to allow the ARC to make a decision shall be submitted to the ARC.
- iii) The ARC shall meet to review the variance request.
- iv) The ARC shall review each variance request within forty-five (45) days of the receipt of the request.
- v) At least five (5) days prior to the meeting of the ARC at which the variance will be considered, the property owner requesting the variance shall give written notice by certified mail to the owners of the properties across the street from, adjoining and contiguous to the Applicant's property of the nature of the variance request and the date of the ARC meeting.
- vi) The property owner shall provide the ARC with proof that the notification was accomplished in accordance with these requirements.
- vii) Any property owner within River Run Subdivision may inform, in writing before the meeting, the ARC of his or her opinion of the variance request.
- viii) The ARC shall provide a written decision to the Board of Directors and Applicant within five (5) days after the decision.
- ix) The variance will be considered by the Board of Directors, within forty-five (45) days of the receipt of the report of the ARC.
- x) The decision of the Board of Directors shall be in writing and shall be final and binding.
- xi) The ARC shall not recommend, nor shall the Board of Directors grant, a variance from the Architectural Review Guidelines unless the decisions are based upon the evidence presented in each specific case the following must be considered:
 - a. The variance is in harmony with the general purpose and intent of the Architectural Review Guidelines and the Declaration of Covenants and Restrictions; and

- b. There are unique conditions of the property or there is a unique situation which makes a request for a variance reasonable;
- c. The variance, if granted will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property or the River Run Subdivision as a whole.
- xii) Approval to build based upon a variance shall be valid for only one (1) year from the date the variance was approved by the Board of Directors unless the alteration of a building or structure is started or the use is commenced within such period.

ARTICLE VI CONSTRUCTION FOLLOWING ARC APPROVAL

- i) Construction shall not begin until Applicant has received written approval from the ARC, or the Board of Directors, as appropriate.
- ii) All approved construction and alterations must be completed within one (1) year from approval. All approvals are only valid for one (1) year. After one (1) year, all approvals automatically expire.
- iii) Construction materials may only be stored externally for a period not to exceed thirty (30) days and not on the street.
- iv) Construction debris shall be placed in containers. All excess building materials must be stored in an orderly fashion and all scraps picked up daily at the end of each workday and placed in the container. No debris may be left outside of a building unless it is placed in a container.

ARTICLE VII DESIGN REVIEW GUIDELINES

- a. Building Additions, Modifications and Reconstruction.
 - i) All exterior room additions, modifications and reconstruction, including porches, sunrooms, gazebos and decks must be of similar or compatible style and materials as the existing structure and shall comply with the architectural standards for said lot as set forth in the Declaration of Covenants and Restrictions and Design Review Guidelines.
 - ii) No aluminum, vinyl, plastic, or composite brick siding shall be permitted.
 - iii) All exterior additions, modifications and reconstruction shall be in harmony with the confines of the subdivision.
 - iv) Homes shall comply with the architectural standards for said lot as set forth in the Declaration of Covenants and Restrictions.

- b. Accessory Buildings and Detached Structures.

No sheds, barns, doghouses, dog runs, sports courts, heliports or helicopter pads or other structures are allowed on any lot except as set forth below:

 - i) Gazebos and permanent masonry barbecues shall be permitted as accessory buildings or detached structures.
 - ii) The following restrictions shall apply for gazebos:
 - a) City permits as required.
 - b) Gazebos shall be roofed in similar material to the residence.
 - c) Gazebos shall be open or screened on all sides.
 - d) Gazebos shall be made of natural wood and shall match the color scheme of the residence.
 - e) Gazebos shall be placed no closer than twenty feet (20') from any property line.

- f) Gazebos shall not exceed sixteen feet (16') in diameter.
- g) Gazebos shall only be located in the rear yard of the lot.
- h) Gazebos shall have concrete footings.
- iii) The following restrictions shall apply to permanent, masonry barbecues:
 - a) Barbecues shall be of brick or stone.
 - b) Barbecues shall be placed near the residence and no closer than twenty feet (20') from any property line.
 - c) Barbecues shall be placed on a concrete slab.
 - d) Barbecues shall only be located in the rear yard of the lot.
 - e) City permits as required.

c. Decks.

- i) Decks shall be attached to the residence.
- ii) Decks shall have concrete footings.
- iii) Decks shall be constructed of cedar, redwood, pressure treated lumber, or approved plastic, or extruded composite lumber.
- iv) The color of the deck shall be in earth tones, white or be left natural colors shall compliment exterior surface colors.
- v) City permits as required.

d. Driveways.

- i) Driveways cannot be altered in shape or color from the originally installed driveway without written approval from the ARC.
- ii) Driveways shall comply with the architectural standards for said lot as set forth in the Declaration of Covenants and Restrictions.
- iii) Driveways shall be only made of asphalt, concrete or brick.

e. Roof Replacement and Modification.

- i) Roofing cannot be altered in shape, color or material from the originally installed roof without written approval from the ARC.
- ii) Roofing shall comply with the architectural standards for said lot as set forth in the Declaration of Covenants and Restrictions.

f. Exterior Color Scheme.

Buildings and structures, including gazebos, decks and sunrooms, cannot be altered from the original color scheme without Architectural Improvement Application and approval from the ARC.

g. Fence Wall and Screen Restrictions.

i) Definitions:

- 1) Yard shall be defined as the area between the residence and the front, rear or side property line of the lot.
- 2) A landscape retaining wall is a system used to transition from one elevation to another so as to prevent erosion and does not require approval providing it does not exceed thirty inches (30") in height.

- 3) Walls are defined as an above grade barrier made of stone, brick, masonry or stucco and require approval.
- 4) Decorative fencing is defined as an enhancement to architectural and/or landscape design.
- 5) A privacy screen is an open-ended structure for the purpose of obscuring the view or blocking the sun for a deck, patio or hot tub.
- ii) Specifications. Perimeter fencing is permitted along the side and rear property lines provided that:
 - a) Fence must follow the side and rear lot lines, including the side lot set back requirement on corner lots.
 - b) Fence must originate and end with the main residence, meeting with the house at a rear corner of the residence or at a point along the side which is no more than half the depth of the home.
 - c) Fence must follow the natural ground contour, no stepping perimeter is allowed.
 - d) No portion of the fence can exceed four feet (4') in height at its highest point, unless the resident has an approved in-ground pool, which must meet Naperville city code requirements.
 - e) Fence can either be constructed of wood, or of powder coated aluminum (see below) and in a style that is consistent with and will blend with fencing on bordering property.
 - i. Aluminum fences must meet the following specifications
 1. All fence posts and rails shall be extruded from aluminum alloy having a minimum strength of 35,000 psi. All pickets shall have a minimum yield strength of 25,000 psi. Horizontal rails shall be 1", and posts shall be 2" square. Gates shall have welded frames and shall support a 250 pound vertical load.
 2. Fasteners: All fasteners shall be stainless steel. Hidden spring clips shall be used to connect the pickets to the horizontal rails. Rail to post connections shall be made using self-drilling hex-head screws.
 3. Accessories: Aluminum sand and die castings shall be used for all post caps, finials and miscellaneous hardware. Fence posts can only have rounded tops/finials and the pickets must have a flat tops; the pickets can have finials on the top as long as there is a header (a flat bar on top of the finials). The fence posts, pickets and accessories shall all be of one uniform color.
 4. Fences shall be coated with polyester powder-coat finish system. The cured film thickness of the powder coating shall be at least 2.0 mils thick. In addition, the screws shall be painted to match the color of the fence.
 5. All fences must be installed with concrete footings
 6. The color of the powder coated aluminum fence shall be limited to black only.
 - f) Fence must be installed finished side out.
 - g) Fence must connect to existing fences, if any, on bordering properties.
 - h) Fence must remain natural and allowed to weather or stained with transparent natural wood stain.
 - i) Fence sections, which can be viewed from the street within the subdivision, must have fifty percent (50%) of the surface area masked by evergreens, shrubs, trees or flowers. Evergreens and shrubs must be installed that have an initial height of forty percent (40%) of the height of the fence.
 - j) Fence must be maintained at all times.
 - k) No cyclone, chain-link, stockade, metal or plastic fences are permitted. Stockade fencing is defined as solid fencing with no spacing between the boards.
 - l) Fence slats must be no more than 4 inches (4") wide and the space between slats must be no less than 2 inches (2").
 - m) Fence cannot be placed on a perimeter berm of RRHOA.
 - n) City permits as required.

- iii) Decorative walls are permitted in the front, rear or side yards provided:
 - a) They do not exceed thirty inches (30") in height in the front yard.
 - b) They are within the property setbacks.
 - c) They are constructed of stone, brick, masonry or stucco and the color scheme is consistent with the residence.
 - d) City permits as required.
- iv) Privacy screens are permitted on any lot provided:
 - a) Screen shall not exceed 6 feet (6') in height.
 - b) Screen must be in the rear of the main residence.
 - c) Screen shall be installed contiguous to a deck or patio.
 - d) Screen shall be no more than thirty linear feet (30') in total and may not extend more than twenty feet (20') across the back of the residence.
 - e) Screen shall only offer protection from two (2) sides, not including clipped corners.
 - f) City permit as required.

h. Hot Tubs or Spas.

- i) Hot tubs or Spas must be incorporated into the deck or patio, but hot tubs may not be more than fifteen feet (15') from the rear wall of the dwelling.
- ii) Hot tubs or Spas must be concealed from view from neighboring homes by landscaping and/or screens.
- iii) City permits as required.
- i. Satellite Dishes. Satellite Dishes must be installed in a safe and reasonable manner and within FCC regulations.

j. Swimming Pools.

No above ground swimming pools shall be erected, placed or maintained upon any of the lots. All in-ground pools must be approved by the ARC. All pools must meet all governmental regulations, may only be located in the rear yard of the lot and must be contiguous to the house, patio or deck.

k. Concrete pads or Sport Courts. (SEE article VIb)

No concrete pads or sport courts in addition to the patio and driveway will be permitted.

1. Exterior Lighting.

Exterior lights may be installed without approval of the Board of Directors provided that:

- i) They are not separate from the buildings on the lot;
- ii) They are ground, sidewalk or patio lights;
- iii) Are not mercury vapor lights or other high intensity lights or spotlights;
- iv) Floodlights must be attached to the house.

ARTICLE VIII ENFORCEMENT

- i) It shall be unlawful for the owner of any lot within River Run Subdivision to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of these Guidelines.
- ii) Upon making a determination that there exists a violation of the Guidelines, the Board of Directors shall notify, in writing, the owner of the lot upon which such violations exists. Upon

receipt of such notice of violation, the property owner shall, within ten (10) days, eliminate any violation of these Guidelines existing upon his property.

iii) Enforcement of these Guidelines shall follow the procedures and terms set forth in the RRHOA Declaration of Covenants and Restrictions and all Amendments thereto and the Appeal Process.

ARTICLE IX REVISION OF GUIDELINES

i) The provisions of the Architectural Review Guidelines may be modified, changed or rescinded by the Board of Directors of the RRHOA.

ii) Such modification, change or rescission shall be set forth in writing.

iii) The ARC may recommend modifications, changes or rescissions to the Board of Directors.

iv) Any vote to change, modify or rescind shall be made by the affirmative vote of a majority of a quorum at a regularly scheduled meeting of the Board, after notice has been given of the proposed change, modification or rescission in writing, to each owner, by regular mail, at least thirty (30) days prior to such meeting.