

Appeal Procedure

Architectural Review Board and Peer Architectural Review Board

Adopted January 16, 2017 by the APNA Board of Directors

Pursuant to Section 1.24 and Article V of the Declaration and Sections 1.1 and 2.1 of Amelia Park's Master Deed Restrictions, the Association (Board of Directors of the Amelia Park Neighborhood Association, Inc.) shall appoint the members of the Association's Architectural Review Board (ARB and Peer Architectural Review Board (PARB)).

Pursuant to Section 720.303(2)(a), Florida Statutes, all ARB and PARB meetings shall be properly noticed if a quorum of such board gathers to conduct business. Meetings of the ARB and PARB must be open to all APNA members, except as exempted for meetings with its attorney on litigation matters or when such discussion would be governed by the attorney-client privilege.

Approval or disapproval of applications shall be given to the applicant in writing by the ARB or PARB in accordance with its procedures.

In the event that the approval or disapproval is not forthcoming within sixty (60) days after complete submittal, fully in accordance with its published guidelines or specific requests has been made to the respective ARB or PARB, or unless an alternate review period or extension is agreed to in writing by the ARB or PARB and the applicant, the application shall be deemed disapproved and the construction of the improvements applied for shall not be commenced.

The applicant assumes all risk related to proceeding with improvements without ARB or PARB approval and shall be responsible for any removal or reconstruction for noncompliance with the provisions of the Declaration and the Amelia Park Design Code.

Only the Owner who submitted the application to the ARB or PARB may appeal to the Association's Board of Directors an adverse decision of the ARB or the PARB regarding said Owner's application, including automatic disapproval due to the ARB's or PARB's failure to consider the application.

The Board of Directors may reverse or modify an appealed adverse decision of the ARB or PARB by the super majority (66% or greater) vote of the Directors.

Decisions by the ARB or PARB which are not appealed by the applicant are not to be considered by the Board of Directors.

An appeal of an adverse decision of the ARB or PARB must be brought by the Owner applicant within 30 days of the adverse decision. An appeal based on automatic disapproval for the ARB's or PARB's failure to act may be brought by the Owner within sixty (60) days of such adverse decision.

Appeals which are not timely filed will not be considered by the Board of Directors.

An Owner may be required to submit updated plans and specifications to the Board of Directors if the appeal is based on ARB's or PARB's failure to act. If the disapproval is based on the ARB's or PARB's failure to act, an Owner may choose to resubmit plans to the ARB or PARB, as appropriate, rather than filing an appeal to the Board of Directors.

The Board of Directors shall schedule and properly Notice a meeting specific to consider such appeals as soon as practical.

Required notice of Proposed Rule-Making posted on property and sent to Lot Owners on or before January 2, 2017.

Appeal procedure adopted January 16, 2017 by unanimous (7 to 0) vote of the Board of Directors, Amelia Park Neighborhood Association, Inc., at its noticed meeting.