

CHURCHILL VILLAGE-SOUTH ARCHITECTURAL RULES AND REVIEW PROCEDURES

(First Revision – May 16, 1989)
(Second Revision – July 8, 1998)
(Third Revision – August 9, 2006)

The Declarations of Covenants and Restrictions, Churchill Village-South, November 1, 1974, specifically, but not limited to, Article VI, Architectural Control, Article VII, Use of Property, and Article VII, General Provisions, and included herein, establish these Architectural Controls and Review Procedures, as follows:

Article VI, Architectural Control

Section 1. Purpose: Improvements and Alterations. The Architectural Control Committee (ARC or the Committee) shall regulate the external design, appearance, use, location and maintenance of the Community and of improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. Except for original construction by the Declarant, and except for purposes of proper maintenance and repairs, or as otherwise in this Declaration provide: No building, fence, wall or other improvements or structure shall be commenced, erected, placed, moved, or maintained in the Community nor shall any exterior addition to or change (including any change in color) or alteration thereon be made until the complete plans, height, set-back, materials, color, and location of the same (including, without limitation, any other information reasonably specified by the Committee) shall have been submitted (in duplicate) to, and approved in writing as to harmony of external design, color and location in relation to surrounding structures and topography by the Committee.

Section 2. Architectural Control Committee. The Architectural Control Committee shall be composed of three (3) or more natural persons designated from time to time by Declarant until December 31, 1895, and thereafter by the Board of Directors and such persons shall serve at the pleasure of the Board of Directors. In the event the Board of Directors fails to appoint an Architectural Control Committee, than the Board of Directors shall constitute the Committee. The affirmative vote of 2/3 of the members of the Architectural Control Committee shall be required in order to adopt or promulgate any rule or regulations, or to make any finding, determination, ruling or order, or to issue any permit, consent, authorization, approval or the like pursuant to the authority contained in this Article VI.

Section 3. Approvals, etc. Upon approval by the Architectural Control Committee of any plans and specifications submitted pursuant to the provisions of this Declaration, a copy of such plans and specifications as approved shall be deposited among the permanent records of

FINAL VERSION, Voted, August 9, 2006

such Committee and a copy of such plans and specifications bearing such approval, in writing, shall be returned to the applicant submitting the same. In the event the Architectural Control Committee fails to approve or disapprove any plans and specifications which may be submitted to it pursuant to the provisions of this Declaration within thirty (30) days after such plans and specifications (and all other materials and information required by the Architectural Control Committee) have been submitted to it in writing, then approval will not be required and this Article VI will be deemed to have been fully complied with.

Section 4. Limitations. Construction or alterations in accordance with plans and specifications approved by the Architectural Control Committee pursuant to the provisions of this Article shall be commenced within six (6) months following the date upon which the same are approved by the Architectural Control Committee (whether by affirmative action or by forbearance from action, as in Section 3 of this Article provided), and shall be substantially completed within twelve (12) months following the date of commencement, or within such longer periods as the Architectural Control Committee shall specify in its approval. In the event construction is not commenced within the period aforesaid, then approval of the plans and specifications by the Architectural Control Committee shall be conclusively deemed to have lapsed and compliance with the provisions of this Article shall again be required. There shall be no deviations from plans and specifications approved by the Architectural Control Committee without the prior consent in writing of the Architectural Control Committee. Approval for use on any Lot of any particular plans and specifications or design shall not be construed as a waiver of the right of the Architectural Control Committee to disapprove such plans and specifications, or any elements or features thereof, in the event such plans and specifications are subsequently submitted for use upon any other Lot or Lots.

Section 5. Certificate of Compliance. Upon the completion of the construction or alteration of any building, fence, wall or other improvements or structure in accordance with plans and specifications approved by the Architectural Control Committee in accordance with the provisions of this Article, the Architectural Control Committee shall, at the request of the Owner thereof, issue a certificate of compliance which shall be prima facie evidence that the building, fence, wall or other improvements or structure referenced in such certificate have been approved by the Architectural Control Committee and constructed or installed in full compliance with the provisions of this Article and with such other provisions and requirements of this Declaration as may be applicable.

Section 6. Rules and Regulations. The Architectural Control Committee may from time to time adopt and promulgate such rules and regulations regarding the form and content of plans and specifications to be submitted for approval and may publish such statements of policy, standards, guidelines and/or establish such criteria relative to architectural styles or details, or other matters, as it may consider necessary or appropriate. No such rules, regulations, statements, criteria or the like shall be construed as a waiver of the provisions of this Article or any other provision or requirement of this Declaration or any Supplementary Declaration. The Architectural Control Committee may charge and collect a reasonable fee for the examination of any plans and specifications submitted for approval pursuant to the provisions of this Article.

FINAL VERSION, Voted, August 9, 2006

Section 7. Notice and Hearing. Upon submission of an application for approval, the Architectural Control Committee shall give notice thereof to all Owners whose Lots lie, in whole or in part, within one hundred feet (100') from the boundaries of the Lot with respect to which such approval is sought. If requested by any such Owner within five (5) days of the notice, the Architectural Control Committee, after giving at least ten (10) days written notice thereof to all persons entitled to notice of the original application, shall hold a public hearing with respect to such application. The Architectural Control Committee shall, in such case, give notice of its decision to all Owners entitled to notice of the original application.

Section 8. Appeal. Any Owner aggrieved by a decision of the Architectural Control Committee shall have the right to appeal that decision to the Board of Directors, provided, however, that any Owner, other than the applicant, who failed to register his objections with the Architectural Control Committee, either in writing prior to, or by appearance at, the hearing, shall be deemed to have waived the right of appeal. The Board of Directors may reverse or modify the decision of the Architectural Control Committee by a vote of two-thirds (2/3) of those Directors present and voting.

Article VII Use of Property

Section 1. Protective Covenants.

- (a) Residential and Related Use. No part of the Community shall be used except for housing and the related common purposes for which the Community was designed. No building shall be erected, altered, placed or permitted to remain on any Lot other than one used as a single family dwelling, provided, however, that a multifamily building which is, or is part of, a condominium regime or rental apartment house wherein the units are restricted to use as a single family residence shall be deemed to comply herewith. Nothing above shall prohibit a Unit from being used as a professional office by a physician or dentist or as a personal studio or office, provided any such use is not prohibited by applicable zoning ordinances and provided further that any such use does not interfere with the quiet enjoyment or comfort of any other owner.
- (b) No Commercial Uses. No part of the Properties shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any commercial, manufacturing, mercantile, or other such non-residential purposes, except as allowed by applicable law and subject to the control of the Board of Directors, provided, however, that (i) Declarant, its successors or assigns, may use any part of the Community for model home sites, display and sales offices and any other purposes related to the completion or construction of any part of the Community during the construction and sales period and (ii) the Association may permit such usage as an adjunct to a recreational or educational activity sponsored or provided by the Association in the Common and Parcel Common Areas.
- (c) Signs. Except for entrance signs, directional signs, signs for traffic control or safety, community "theme areas", and such promotional signs as may be maintained by Declarant, no sign or billboard of any kind shall be displayed to the public view or any portion of the Community, except one (1) sign for each building site, of not more than

FINAL VERSION, Voted, August 9, 2006

eighteen inches (18”) by twenty-four inches (24”), advertising the property for sale or rent, and name and address signs of a size and type approved by the Architectural Control Committee.

- (d) Prohibited Activities. No noxious or offensive activity shall be carried on in any part of the community, nor shall anything be done thereupon which may be, or may become, an annoyance or nuisance to others, or which shall in any way interfere with the quiet enjoyment of each of the Owners of his respective Lot or Unit, or which shall in any way increase the rate of insurance on the Common or Parcel Common Areas.
- (e) Antennae. No radio or television receiving or transmitting antennae or external apparatus shall be installed on any Lot. Normal radio and television installations wholly within a building are excepted.
- (f) Restriction on Further Subdivision. No Lot upon which a living Unit has been constructed shall be further subdivided or separated into smaller Lots by any Owner, and no portion less than all of any such Lot, nor any easement or other interest therein, other than easements specifically provided herein or in any Supplementary Declaration or easements for utilities, shall be conveyed or transferred by an Owner, provided that this shall not prohibit deeds of correction, deeds to resolve boundary line disputes and similar corrective instruments, or the creation of condominiums within the Community.
- (g) Parking Restrictions. No automobile, motorcycle, bicycle, tricycle or other wheel vehicles or toys shall be parked or left unattended in any driveway (identified as such on Exhibit A or any other plat filed as an exhibit to a Supplementary Declaration), which is located in the Common Area or Parcel Common Area, and which abuts more than one Lot, unless such parking is specifically authorized by resolution of the Architectural Control Committee. Except for emergency repairs, no Owner shall repair or restore any vehicle, boat or trailer upon any portion of the Community. No boat, trailer or recreational vehicle shall be parked on any part of the Community except in a garage, screened enclosure or specifically designated area approved by the Architectural Control Committee.
- (h) Trash. Storage, collection and disposal of trash shall be in compliance with standards set by the Architectural Control Committee.
- (i) Pets. Subject to limitations as may from time to time be set by the Architectural Control Committee, domestic house or yard pets (and not livestock), in reasonable numbers per Living Unit, may be kept and maintained, provided such pets are not kept or maintained for commercial purposes. All pets must be kept under the control of their owner when they are outside the Owner’s premises and must not become a nuisance to other Owners.
- (j) Clothes Drying Equipment. No clothes lines or other exterior clothes drying apparatus shall be permitted on any Lot, except as approved in writing by the Architectural Control Committee.

FINAL VERSION, Voted, August 9, 2006

- (k) Other Restrictions. The Architectural Control Committee may from time to time adopt general rules consistent with and to implement the purposes set forth in this Article VII, may apply to the Community as a whole or to any one or more Lots. Once adopted, any such general rules may be amended only by a two-thirds (2/3) vote of the Architectural Control Committee, following a public hearing for which due notice has been provided, and pursuant to an affirmative vote of two-thirds (2/3) of the Board of Directors. All such general rules and any subsequent amendments thereto shall be placed in the Book of Resolutions.
- (l) Exceptions. The Architectural Control Committee may issue temporary permits or variances to except any prohibitions expressed or implied by this section, provided the Committee can show good cause and acts in accordance with adopted guidelines and procedures.

Section 2. Maintenance of Property. To the extent that responsibility for exterior maintenance is not provided for in a Supplementary Declaration, each Owner shall keep all Lots (and any Restricted Common Area appurtenant thereto) owned by him, and all improvements therein or thereon, in good order and repair and free of debris including, but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management. In the event an Owner shall fail to maintain the premises and the improvements situated thereon as herein provided, after notice to the Owner as provided in the Bylaws, the Board of Directors, or its agent, shall have the right to enter upon such Lot to correct drainage and/or repair, maintain and restore the Lot and the exterior of the buildings and any other improvements erected thereon. All costs related to such correction, repair or restoration shall become a Special Assessment upon such Lot only.

Section 3. Utility Easements. There is hereby created a blanket easement upon, across, over, through and under the entire Community for ingress, egress, installation, replacement, repair and maintenance of all utility and service lines and systems including, but not limited to water, sewers, gas, telephone, electricity, television, cable or communication lines and systems. By virtue of this easement, it shall be expressly permissible for only Declarant, its successors and assigns, or the providing utility or service company, and no others, to install, replace and maintain facilities and equipment, to excavate for such purposes and to affix and maintain wires, circuits and conduits on, in and under the roofs and exterior walls of residences, providing all disturbed areas are restored to the condition in which they were found prior to the commencement of work. This easement shall in no way affect any other recorded easements in the Community. This easement shall be limited to improvements as originally constructed or as approved by the Architectural Control Committee.

Section 4. Declarant's Easement to Correct Drainage. For a period of five (5) years from the date of conveyance of the first Lot in a Parcel, Declarant reserves an exclusive blanket easement and right on, over and under the ground within each such Parcel to maintain and to correct drainage of surface water in order to maintain proper standards of health, safety and appearance. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any gradings of the soil, or to take any other similar action reasonably necessary to

FINAL VERSION, Voted, August 9, 2006

accomplish the above purposes, following which Declarant shall restore the affected property to its original condition as closely as is practicable. Declarant shall give reasonable notice of its intent to take such action to all affected Owners, unless in the opinion of Declarant an emergency exists which precludes such notice.

Section 5. Encroachment Easement. Each Lot, Unit and building within the Community is hereby declared to have an easement over all adjoining Lots, Units and buildings and all Common, Parcel Common, and Restricted Common Areas for the purpose of accommodating any encroachment due to engineering errors, building, roof overhangs, gutters, architectural or other appendages, draining of rain water from roofs, or any other similar cause. There shall be valid easements for the maintenance of such encroachments so long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by such encroachments, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Owners if such encroachment occurred due to the willful misconduct of such Owner or Owners. In the event a structure on any Lot is partially or totally destroyed and then repaired or rebuilt, the Owners of each Lot agree that encroachments over adjoining Lots and Common Areas of all types shall be permitted and that there shall be valid easements for the maintenance of such encroachments so long as they shall exist. The provisions of this Section 5 also shall apply to encroachments by any Common, Parcel Common, or Restricted Common Area on any Lot or Unit or upon each other.

WHEREAS, the Churchill Village-South Declaration of Covenants and Restrictions (hereinafter referred to as “the Declarations”) establishes an Architectural Control Committee to review changes and additions to lots and structures, as well as fulfilling other functions as prescribed by the Board of Directors and the Declarations; and

WHEREAS, the Board of Directors wishes to establish procedures for obtaining Architectural Control Committee approval and establish rules as to what the Architectural Control Committee (the Committee) will find acceptable or unacceptable; and

WHEREAS, the condominium associations (sub-associations) within Churchill Village-South (CVS) must comply with these Architectural Rules and Procedures of CVS;

NOW THEREFORE, BE IT RESOLVED THAT the following rules and procedures be adopted:

I. Application Procedures

1. Application Forms.

Applications procedures for an architectural change request are contained in the application form most recently approved by the Board of Directors, and mailed out to all homeowners at that time. Applicants should ensure that they submit the most up-to-date form, as requirements may change periodically. Homeowners can obtain a copy of the architectural change application form at no cost from the Committee or

FINAL VERSION, Voted, August 9, 2006

the management company. They may also download a copy of the form from the CVS web site at www.churchillsouth.org. *The Committee will not accept modified versions of this form, other than application forms approved by sub-associations as discussed below.* (The remainder of this Section will apply whether or not explicitly stated on any approved application form or its instructions.)

Without exception, all applications must be in writing. Verbal submissions will not be honored. However, a resident should feel free to discuss the proposed application with the ARC Chairperson prior to formal submission, if desired.

2. Requirements for a Completed Application

To be considered complete and therefore suitable for Committee consideration, an application must contain details of the complete plans and specifications of the project, including the height, width, length, size, shape, color (including sample if possible), materials, and location of the proposed improvement. An elevation view of the proposed change should also be included. (Photographs of similar completed projects are helpful.)

At least one adult resident of each property located within 100 feet of the applicant's property must sign the application and initial all supporting items such as drawings. If this resident is a renter, it should be so indicated on the application. Upon submission of the application to the management company, those addresses indicated as "renters" will be noted, and the management company will contact the owner of record directly to inform them that an application has been submitted. The purpose of having the signatures of homeowners whose lots are within 100 of the applicant's lot is to serve as notice of the proposed change. **NOTE: Signing the application in no way indicates either approval or disapproval of the proposed change.** Names and addresses (of Churchill Village-South Homeowners Association, Inc.) homeowners who refuse to sign should be noted on the application by the applicant.

Homeowners whose property is within 100 of the applicant's lot and who disapprove of the proposed change must notify the Committee in writing within five (5) days of being asked to sign the application or by the next Committee meeting, whichever comes first. If any homeowner whose property is within 100 of the applicant's property files a written protest, the Committee must hold a public hearing to discuss the application. This hearing must take place within ten (10) days after the applicant, and all homeowners whose property is within 100 of the applicant's property have been notified in writing.

3. Site Plans and Plat Maps

Site plans or plat maps are required for applications involving exterior additions, such as decks, patios, gazebos, sheds, garages, rooms, fences, driveways, sidewalks, paths, etc. It has been established that not all homeowners received surveyed plat maps in their closing documents and some builders did not file plat maps with the county.

FINAL VERSION, Voted, August 9, 2006

When a plat map is unavailable to submit with an application the homeowner must include in the application a scaled drawing site plan of their own creation, showing property lines and dimensions along with an explanation that the plat map does not exist in their closing documents and is not on file with the county. The homeowner assumes responsibility for all property line location errors.

4. Dimension Labels on Site Plans

When an application is submitted involving an exterior addition, such as decks, patios, gazebos, sheds, garages, rooms, fences, driveways, paths, etc., the distances from the property line to these additions shall be labeled with the words “feet” and “inches” or the abbreviations “ft” and “in”, as required. They may not use the commonly employed symbols ['] and ["]. Neighbors required in the application to review the site plan shall also initial upon that site plan that they have seen these distances to the property line of the proposed addition.

5. Additional Requirements for Properties Located in Sub-Associations

Applicants should contact their sub-association representatives to inquire about unique application rules. Sub-association approval is a prerequisite of approval by the CVS Committee. While the CVS Committee encourages sub-associations to adopt the CVS application form, the CVS Committee will accept sub-association application forms, once they are approved by the sub-association, regardless of whether the sub-association application requirements differ. Sub-association applications require approval, or acknowledgement of notification is a prerequisite of approval by the CVS Committee. If the sub-association application does not contain information required by CVS or sufficient information for the Committee to consider the application, the Committee reserves the right to delay consideration until the additional information is obtained from the applicant. CVS sub-associations include the following:

Meander Cove Drive and Waterside Condominiums:

This section is the Sub Association belonging to the Villas at Willow Cove Condominium. This condominium has its own separate set of architectural rules and covenants, with which residents must comply before applying to CVS for architectural changes.

Townhouses on Lake Park Court, Lake Park Drive, Timber Oak Lane:

These three streets of townhouses are part of the Sub Association Willow Cove Townhouse Condominium (WCTC). WCTC maintains its own separate set of architectural rules and covenants, with which residents must comply before applying to CVS for architectural changes. Each home within WCTC has its own individual color scheme and style for the siding, trim, door, shutters, and roof shingles. Please contact this association’s management or board of directors for these and other rules.

FINAL VERSION, Voted, August 9, 2006

Teakwood Circle Townhouses and Winterspoon Lane Townhouses:

This section is the Sub Association belonging to the Willow Cove manor Condominiums. This condominium has its own separate set of architectural rules and covenants, which residents must comply with before applying to CVS for architectural changes.

Applications must be sent directly to the management company, where they are date stamped as received, and then distributed to the Committee chairman and the Committee liaison on the Board of Directors. If the Board of Directors does not designate a specific board member to act as liaison, then the President of the Board will receive the liaison copy from the management company. The date stamp on the application establishes the date from which the ARC has thirty (30) days in which to act on the application if it is complete.

6. Architectural Control Committee Meetings

The Committee meets in the CVS Community Center once a month, on a day determined by the Board of Directors based on the ARC Chairman recommendation, to review all applications received at least five (5) days prior to such meeting. Applicants are encouraged to attend. The date of the monthly meeting may be delayed at the discretion of the Committee Chairperson.

Article VI, Section 3 of the Declarations provides for the automatic approval of applications thirty (30) days after their submission unless the Committee acts to either approve or disapprove that application. If an application is submitted within seven (7) days of a regularly scheduled monthly meeting or if other circumstances preclude the Committee from considering an application within the required thirty-day period, it may issue a conditional disapproval within thirty days of the date stamp. All applications that receive a conditional disapproval shall be considered by the Committee no later than its next scheduled meeting. The Committee will endeavor to review applications between regularly scheduled meetings, if possible.

If a proposal is disapproved, the reason(s) for the disapproval shall be stated as part of the written decision. The applicant may request reconsideration if new or additional information can be provided that might clarify the request or demonstrate its acceptability. The Applicant may pursue an appeal to the Board of Directors in accordance with Section VII of these Rules and Procedures.

Minor changes to a proposal deemed necessary by the Committee at the time of approval, to bring the proposal into technical compliance with these rules, will be specified by the Committee at the time of approval and considered part of the approved plan. If the applicant disagrees with any change in the application specified by the Committee, the application is considered disapproved and will have to be reconsidered at a subsequent meeting of the Committee.

FINAL VERSION, Voted, August 9, 2006

7. Applications for Additions within 10 Feet of the Property Line

In single family home communities, applications for an exterior addition, such as decks, patios, gazebos, sheds, garages, rooms, driveways, paths, etc., other than a fence, which will be located within 10 feet of a property line cannot be approved by the Committee alone. After review by the Committee, such an application must be presented to the Board of Directors for final approval. The Board of Directors meets once each month , except in December, when no meeting is held.

8. Notice and Public Hearing

The requirement for all owners within 100 feet of the application to be informed of the proposed architectural change, as stated in the Declarations, Article VI, Section 7, written above, is satisfied in the application procedure when the applicant obtains the signatures of each resident within 100 feet of the applicant's home. The monthly meeting of the Committee will satisfy the requirement for a public hearing, per Article VI, Section 7. If that meeting has already passed then the monthly meeting of the Board of Directors will serve the purposes of a public hearing, if requested by any interested homeowner. Only if these two regularly scheduled meetings do not satisfy the public hearing requirement, in a timely manner, shall a special meeting be arranged to review the application, and then only upon request.

FINAL VERSION, Voted, August 9, 2006

9. Project Completion

If approved, work must start within six (6) months of the approval date and must be completed within one calendar year (365 days) from the date of approval. (NOTE: if the applicant requests permission, a one-time extension may be granted by the ARC on a case-by-case basis.) Applicants are encouraged to complete the work as soon as possible. During the actual construction, the work site must be maintained in a safe and neat (workman-like)manner.

10. Property Transfers

All homes placed on the market for sale within CVS are inspected for architectural and maintenance violations, which are then documented and provided to the homeowner prior to closing. Because the responsibility for correcting violations transfers to new owners, CVS strongly encourages current owners to correct existing violations as early as possible prior to selling a home.

If an application is approved, but the project is not started before the applicant sells a house, the application shall become null and void. The new owners must reapply to make the requested change.

II. Architectural Rules

The work of the Committee shall be guided by the following rules, which are promulgated pursuant to Article VI, Section 6 of the Declarations.

1. Exterior Building Alterations and Additions require Committee approval:

A. General

- (1) Any exterior alteration, or interior alteration which affects the exterior, shall have the approval of the Committee before any work is begun.
- (2) Any exterior addition or alteration to an existing building shall be compatible with the design characteristics of the original building in the case of townhomes, and to neighboring homes in the case of single family homes.

B. Painting

- (1) Exterior color or tint changes shall be in harmony with the other homes in the community. Any change in color scheme requires Committee approval.
- (2) Repainting a structure the original color does *not* require Committee approval.

FINAL VERSION, Voted, August 9, 2006

- C. Siding
 - Repaired or replaced siding which matches the existing siding in style and color does not require Committee approval.
 - i. New siding which differs in style and/or substance or orientation from the original siding shall have the approval of the Committee before any work is begun, and shall conform to requirement A. above.
 - D. Windows
 - i. Repaired or replaced windows which match the existing windows in style and color do not require Committee approval.
 - ii. New windows, which differ in style or substance from the original must be approved by the Committee before any work is begun, and shall conform to requirement A. above.
 - E. Lighting
 - i. Repair or replacement of original lighting with lighting that matches in style and color does not require Committee approval.
 - ii. Holiday lighting is permitted between December 1st and January 31st and does not require Committee approval.
 - iii. New lighting which differs in style and/or substance from the original lighting shall have the approval of the Committee and shall conform to requirement A. above.
 - iv. No exterior lighting shall be directed outside the Homeowner's property.
 - v. Applications for exterior lighting changes shall include wattage, height of light fixture above the ground, and a complete description, including material and location of the fixture on the property.
 - F. Gutters and Downspouts
 - i. Gutters and downspouts shall be consistent with the overall color scheme of the home.
 - ii. Repair or replacement of original gutters and downspouts with gutters and downspouts that match in style and color does not require Committee approval.
 - iii. Additional installation of gutters and/or downspouts, or changes in color, or style, shall have the approval of the Committee and shall conform to requirement A. above.
2. Fences require Committee approval
- A. Single Family Homes – Split Rail fencing with optional wire mesh, on the inside of the fence, is permitted. Other styles will be considered on a case-by-case basis.
 - B. Town homes and Town home Condominiums – Board-on-Board fencing is permitted. Other styles will be considered on a case-by-case basis.

FINAL VERSION, Voted, August 9, 2006

- C. Fencing will not be permitted to extend forward of the front wall of the dwelling unit.
 - D. Hedges planted for the purposes of creating a hedge fence along the homeowner's property line require approval from the Committee. Suggested hedge types should have root systems that do not encroach above ground on the adjoining property.
 - E. Chain link or other galvanized metal fences are prohibited.
 - F. If only one side of a fence has "finished" materials, this side must face out outwards (i.e., towards the community.)
3. Deck alterations and additions require Committee approval
- A. In addition to the Committee rules, all decks must specifically comply with Montgomery County, MD building code specifications. Deck wood must be pressure-treated timber, redwood, or western red cedar. Synthetics will be considered.
 - B. Decks shall be allowed to naturally weather (no approval), or shall be preserved to retain natural/original color (no approval) Painting or staining a deck to match the house requires approval.
 - C. Renovation of an existing deck maintaining the same dimensions (height, depth, and width) does not require Committee approval. Any additions to an existing deck require Committee approval.
 - D. Single-family homes are permitted to have screened decks *only* with approval.
 - E. Town homes and town home condominiums are only permitted to have screened decks on the ground level and only with approval.
 - F. No Screened decks are permitted in the front of any type of home.
 - G. Decks may not wrap around to the front on single family homes.
4. Landscaping and Planting may require Committee approval

The Committee encourages planting of flowers, trees, and shrubbery provided the owner properly maintains them. Such landscaping does not require Committee approval.

- A. The Committee must approve hedge fences.
- B. Landscaping projects must have Committee approval if they alter either
 - (1) the lot topography or
 - (2) existing drainage patterns

All retaining walls shall be made of natural stone, masonry, or pressure-treated wood and must be pre-approved by the Committee.

Vegetable gardens shall be located between the front line of the house and the rear property line, and the overall garden plot size may not exceed more than

FINAL VERSION, Voted, August 9, 2006

1/4 (25%) of this area. Vegetable gardens may not be in the front of the property.

Landscaping projects may not encroach on CVS property without prior Board approval. Existing structures are not grandfathered. The proper maintenance of the entire contiguous structure is the responsibility of the respective home owner. Prior Board approval does not waive the right of CVS to remove the CVS portion of these structures for any reason at any time or compel the unit owner to remove the CVS portion of these structures for any reason at any time. However, in the event CVS should desire to do that, the unit owner may present to the board their approved application as a basis for reconsideration.

5. Exterior Radio/TV Antennas and Satellite dishes
 - A. No radio or television receiving or transmitting antenna, or external apparatus shall be installed on any lot. Normal radio and television installations must be entirely with the building, except as permitted in C and D below
 - B. All satellite dishes must comply with all federal, state and local laws (including local permitting requirements for safety purposes.)
 - C. Nothing in these rules and regulation should be construed to obstruct, undermine, or circumvent the Federal Communications Commission (FCC) Telecommunications Act of 1996 and subsequent state, federal, and county laws. This act (which replaces the FCC's Telecommunications Act of 1934) provides that Citizens are not to be denied access to current and emergent state-of-the art telecommunications technology. Therefore, at its sole discretion, the ARC has latitude to consider, judge, and render decisions related to CVS Citizens' written requests/petitions on a case-by-case basis.
 - D. The updated 1996 FCC Telecommunications Act also notes that special provisions may be necessary for Emergency Communications. Within the CVS Community, there are both Professionals and Volunteers who may have a special need to request a waiver from the Committee with respect to installing a technically appropriate external antenna on their own individual property. The purpose of requesting such a waiver would be to perform short-term or long-term emergency management/disaster preparedness duties – with the full approval of and under the guidance of the County itself.
 - E. To maintain the appearance of CVS, it is requested that dishes be:
 - (1) Black, gray, beige, clear, or similar colors as the roof.
 - (2) Installed on the rear slope of the roof in an orientation such that the top of the dish does not extend more than one and one tenth (1.1) meters above the peak of the roof.
 - a. Condominium owners can only install satellite and MMDS dishes in areas of "exclusive use." "Exclusive use" means an area of the property that only the resident, and persons the resident permits, may enter and use to the exclusion of other residents. For

FINAL VERSION, Voted, August 9, 2006

clarification of this rule, refer to your sub-association as to acceptable installation locations.

- b. Satellite and MMDS dishes must be less than one (1) meter (39.37 inches) in diameter. Dishes larger than one meter are prohibited.
 - c. Wiring must be underground, must immediately enter the home, or must match the color of the home or roof.
 - d. Loose or dangling wires are prohibited.
6. Swimming Pools
Temporary children's wading pools not exceeding 12 inches in depth are permitted. All other swimming pools are prohibited.
7. Flower Boxes (on exterior of dwelling unit)
 - A. Flower boxes on the window sills of the ground level of a dwelling unit are permitted. The color must be the same as the house trim.
 - B. Flower boxes are permitted on decks and patios. No Committee approval is necessary.
8. Storm Doors may require Committee Approval

If the color matches the house trim, the storm door *does not* require Committee approval,. A change in style and/or color requires Committee approval.
9. Sheds require Committee approval
 - A. Sheds below single-family home decks shall not exceed 10' high by 10' wide by 10' deep.
 - B. Sheds below town homes and town home condominium decks shall not exceed 8' high toward the inside and the height of the fence adjacent to it on the outside. Such sheds can be no more than 10' wide by 6' deep in either dimension.
 - C. Repair or Replacement of an existing shed, maintaining the same height, width, depth, and color does not require Committee approval.
10. Chimneys and Flues require Committee approval.
Chimneys and flues must conform to Montgomery County building codes.
12. Playground Equipment requires Committee approval
 - A. Committee approval is required for the installation of playground equipment.
 - B. Playground equipment shall be installed in the backyard only.
 - C. Equipment constructed of natural wood is encouraged.
 - D. Free standing basketball hoops are permitted on single-family homes only.
13. Hot Tubs require Committee approval

FINAL VERSION, Voted, August 9, 2006

- A. Townhomes, Townhome condominiums, and single-family homes are permitted hot tubs, but all require Committee approval.
 - B. If the hot tub is located on the deck level, it *must not* extend higher than 18 inches above the deck level and the portion of the hot tub which appears below the deck level shall be fully enclosed. The hot tub surface shall not exceed an area of 8' by 8'.
14. Firewood
- Firewood shall be stored in such a manner that it does not rot or attract vermin or termites. Termite infested firewood shall be disposed of promptly and properly.
15. Awnings require Committee approval
- Retractable awnings may be installed on the rear of townhomes or single family homes above a deck or patio. Awning shall be stowed in the retracted position when not in use.
16. Exterior Decorative Objects may require approval
- Approval is required for all natural and man-made exterior decorative objects, *only* when visible from the street exterior decorative objects include, but are not limited to, such items as bird baths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, freestanding poles of all types, windmills, and items attached to approved structures.
17. Flagpoles
- Any flag to be displayed, other than the flag of the United States ("Old Glory"), must be approved. The likeness and dimensions of any flag must be submitted to the ARC for review.
- A. Temporary flagpole staffs that do not exceed six feet in length and are attached at an incline on the front wall or pillar of the home do not need Committee approval.
 - B. Only Single family homes are allowed free-standing flagpoles. These flagpoles shall
 - a. be maintained in a vertical position
 - b. be of a height, color, and location that are appropriate for the size of the property and
 - c. require Committee approval (applications shall contain information regarding the height, color and location).
18. Permanent Grills require Committee approval
- A. Permanent gas grills shall be placed in the rear of the house and conform to Montgomery County, MD fire code.

FINAL VERSION, Voted, August 9, 2006

- B. Single family homes *only* are allowed barbeque pits, but they must have Committee approval. The location and dimensions of the barbeque pit must be stated on the application, and they cannot exceed a height of five feet.
19. Attic Fans
- A. Exterior Low profile attic fans shall be mounted on the rear roof.
 - B. Attic fans may be mounted inside a side gable end for single family homes.
 - C. Low profile attic fans do not require Committee approval.
 - D. Turbine style fans are not allowed.
20. Sidewalks and Pathways
- Sidewalks and pathways require Committee approval.
21. Mailboxes
- Mailboxes and mailbox posts shall be well-maintained and kept in good repair. They shall be located so as not to obstruct sidewalks or sight lines and must be in accordance with postal regulations. Replacements do not require Committee approval.
22. Trash Cans
- Trash cans and recycling bins shall be stored out of public view and shall not be placed at the curb prior to the evening before trash day.
23. Real Estate Sales/Rent Signs
- Real estate signs shall meet County regulations with respect to size, content and removal. Signs may be placed either in the front yard or in the yard adjacent to the nearest street. Only one sign shall be displayed on a property. Once home is sold the sign must be removed in a timely manner.
24. Security Alarm Signs
- Security Alarm Signs shall be permitted, but must meet the following requirements:
- A. Freestanding Signs:
 - (1) The sign shall be placed close to the entrance of the home.
 - (2) The uppermost portion of the sign shall be less than 18 inches from the ground.
 - (3) The height and width of the sign shall both be less than 8 inches.
 - B. Signs Attached To The House:
 - (1) The sign shall be a decal or a sticker. No other type of sign is permitted to be affixed to the house.
 - (2) Both the height and width of the sign shall be less than 6 inches.

FINAL VERSION, Voted, August 9, 2006

25. Compost Piles require Committee approval and conform to the below:

Compost piles must be located in the rear of the home and they must be enclosed, properly maintained and screened from view. Failure to maintain a satisfactory compost pile and/or a determination by the Committee that the compost has become a public nuisance shall be considered an abandonment of the compost pile and a violation of the Rules.

26. Mowing

Turf areas need to be mowed at regular intervals. Homeowners are expected to take all reasonable measures to maintain a healthy, green lawn.

27. Clothes Drying Equipment

No clothes lines or other exterior clothes drying apparatus shall be permitted.

III. Street Specific ARC Rules

1. Townhouses on Waterside Drive, Waterside Court, Waterside Circle:

These two streets of townhouses were built at the same time, by the same builder, and to the same color and style scheme as Willow Cove Townhouse Condominium (WCTC). However, these two streets are not part of any sub-association and come under direct CVS architectural guidelines. Although CVS does not maintain individual color scheme and style rules for Waterside Drive and Waterside Court, the CVS architectural committee will endeavor to maintain architectural consistency and color and style consistency as originally built. To achieve this goal, CVS will refer to WCTC color and style rules for guidance and to serve as a historical record, and as a very important but not the sole determining factor, when evaluating color and style change applications for Waterside Drive and Waterside Court.

2. Townhouses on Woodruff Court and 13300 Wyman Way to 13312 Wyman Way:

These cedar shake townhomes will maintain architectural consistency in exterior siding and color. The majority of these townhomes have the dark brown color of naturally weathered cedar. The following house numbers on Woodruff Court have their cedar shakes painted, respectively:

13317	yellow
13319	blue
13321	yellow
13323	dark green
13325	yellow

Requests to change color (other than to a natural cedar color) or to change the exterior material to something other than the current cedar shakes will be disapproved.

FINAL VERSION, Voted, August 9, 2006

3. Townhouses on Laurel Hill Way and Larkspur Court:
 - A. Windows: Sliders (original/existing without approval). An architectural application is needed to change to bay windows, casement windows, and double hung windows. Window trim does not have to match the color of the house, but should not clash.
 - B. Main entrance door color does not have to match the house color, but a different color door requires Committee approval.
 - C. Back yard fencing is allowed but requires Committee approval. Either board on board or split rail is acceptable.
 - D. The exterior back lower portion of the townhomes may be changed to brick but requires Committee approval.
 - E. The exterior siding of all the townhomes should be architecturally consistent within each block of townhomes, e.g. the original vertical wood Batten & Board style. Alternative Batten & Board style synthetic materials require Committee and Board approval.
 - F. Exterior color changes require approval. All townhomes within each block of homes do not have to be painted the same color. Exterior color changes should be selected as close as possible to the original colors, or not to clash with those within the same block of homes.
 - G. Carports: Carports are restricted common property for the sole use of the respective unit owner. They are not garages, however, and CVS parking rules apply, i.e., no boats, campers, unlicensed vehicles are permitted in them. Although carports are CVS common property, as restricted common property the maintenance of the carport structure and concrete pad within the carport are the responsibility of the unit owner. Cracks in concrete presenting a vertical offset greater than 1/2 inch are considered a trip hazard. Maintenance of the concrete apron extending from the carport pad to the public road is not the homeowner responsibility.
 - H. Sidewalks: The Laurel Hill Way sidewalks have been surveyed and copies of the survey have been provided to all unit owners on this street. Unit owners are responsible for the maintenance of their privately owned sections of sidewalk. Cracks in the sidewalk presenting a vertical offset greater than 1/2 inch are considered a trip hazard, and the homeowner will be cited for architectural violations.
 - I. Laurel Hill Backyard Structures: The backyard property lines have been surveyed for the townhomes on the Lake Churchill portion of Laurel Hill Way. None of these properties extend completely to the asphalt path. As a result, some homes have steps, extended patios, or gardens that encroach onto CVS property. The proper maintenance of the entire contiguous structure is the responsibility of the respective unit owner, regardless of whether the homeowner received CVS approval to install the structure onto CVS property. Some of these structures may have been installed before Laurel Hill Way

FINAL VERSION, Voted, August 9, 2006

became part of CVS or before CVS had architectural rules. However, none of these structures is considered grandfathered, nor does CVS waive its right to remove the CVS portion of these structures, or to compel the unit owner to remove the CVS portion of these structures for any reason at any time.

However, in the event CVS should desire to do that, the unit owner may present to the board their approved application as a basis for reconsideration.

4. Other CVS Townhouses:

Other CVS townhouses have no set exterior color or style code. However, change approval remains on a case-by-case basis and factors to consider are color and style in comparison to the other townhouses on their respective street.

5. CVS Single Family Homes:

Changes in the exterior appearance of single family homes on various streets within CVS shall be considered on a case-by-case basis. The Committee shall consider the exterior color, design and appearance of neighboring homes in evaluating any request to change the exterior appearance or color of a single-family home. It is the policy of CVS to encourage improvements that enhance the appearance and value of properties with the community.

IV. Local Building, Work Permits and Architectural Soundness

1. Committee approval is required prior to applying for any County permit(s).
2. Approval of any project by the Association does not waive the necessity of obtaining the required local permits.
3. Obtaining the County permit(s) does not waive the need for Association approval.
4. Obtaining approval from a condominium association does not waive the need for CVS Committee approval.
5. The Committee will not knowingly approve a project, which is in violation of the local building or zoning codes.
6. The purpose of the Committee is to regulate the external design, appearance, use, location, and maintenance of CVS and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. It is not to approve the architectural soundness of the proposed change. The Committee relies on the appropriate County authorities to regulate the soundness of construction and takes no responsibility in this regard.

V. Maintenance of Structures.

Each homeowner is responsible for the maintenance of all structures and landscaping located on his property to include such items as decks, fences, storage areas, gardens, shrubbery, and trees. The following are examples of basic maintenance violations:

FINAL VERSION, Voted, August 9, 2006

1. Peeling paint on home shed or garage
2. Rotting exterior siding or trim
3. Broken fences or missing sections
4. Sheds in disrepair
5. Decks in disrepair
6. Playground equipment in disrepair
7. Broken window(s) or door(s)
8. Rain spouts in disrepair or in need of painting
9. Shutters in disrepair, in need of painting, or missing
10. Missing house numbers (note – all numbers must comply with County regulations which require that new or replacement numbers must be six inches in height)
11. Sidewalks in disrepair
12. Piles of grass, leaves, shrubbery, clippings, and tree branches
13. Neglected garden or shrubbery

VI. Inspection

1. The Committee will conduct a survey of the community for compliance with architectural standards as stated in the CVS Covenants and Restrictions.
2. Upon completion of an approved architectural change, the Committee shall inspect a property, which has undergone improvements and shall notify the owner in writing of any inconsistency with the plan approved by the Committee.

VII. Violations and Enforcements

Upon receipt of a complaint, the ARC members shall execute the following procedures:

1. The Chairman may request the complaint to be submitted in writing.
2. The Committee will investigate the allegation. If no violation is discovered, the Committee will inform the complainant. If there is a violation, the Committee the necessary action.
3. Upon confirmation of the violation, the Committee shall notify the violator in writing that the violation must be corrected.

VIII. Appeals to the CVS Board of Directors

1. In accordance with Article VI, Section 8 of the Declarations, “Any Homeowner aggrieved by a decision of the Architectural Control Committee shall have the right to appeal that decision to the Board of Directors, provided, however, that the Owner, other than the applicant, who failed to register his objections with the

FINAL VERSION, Voted, August 9, 2006

Architectural Control Committee, either in writing prior to, or by appearance at, the hearing, shall be deemed to have waived the right of appeal. The Board of Directors may reverse or modify the decision of the Architectural Control Committee by a vote of two-thirds (2/3) of those Directors present and voting.”

2. No work covered by an application shall be performed until the Board has heard and rendered decisions on any and all appeals.
3. In case of an appeal to the Board of Directors, all persons with a properly registered objection to the original application will be notified of the appeal by the Board in writing ten days prior to the Board hearing the appeal.

IX. Liability and Indemnification

All duly appointed officers and members of the Architectural Control Committee are protected from legal action against them as accorded Board of Directors and Officers as set forth in the Bylaws, Article VII, Section I, of the Churchill Village-South Covenants.

X. Application Fee

There is no application fee.