Section 2 ARCHITECTURAL GUIDELINES AND COMMUNITY RULES

(Note that citations, e.g., D Sec 7.08, Sec 10.16, etc., pertain to <u>Declaration</u> Sections.)

ROLE OF THE ARCHITECTURAL REVIEW COMMITTEE (ARC)

The ARC is made up of Homeowners appointed by the BOD. The main duties of the ARC are the evaluation of modifications and additions to properties proposed by Homeowners, and oversight of the *Covenants* and Community rules to which all CHOA Homeowners and Lessees are subject. The ARC's mission is to assure that actions/projects proposed or taken by CHOA Homeowners comply with CHOA *Covenants* and Rules, and have the overall effect of enhancing the appeal and value of our Community.

Consistent with this mission, many of the actions/projects described below require that a Homeowner who may be planning a certain action/project apply for formal ARC approval in writing of that action/project before proceeding with work on any part of the action/project. Actions/projects described below that require ARC approval have a notation "ARC approval required." Any actions that require BOD approval have a notation "BOD approval required."

In arriving at a decision whether or not to approve an action/project, the ARC considers technical details of an application, but also directs considerable attention to the aesthetic aspects of the proposed action/project, and to the visibility of the proposed action/project from neighboring properties and from streets. Because of the ARC's concern with aesthetics/visibility, many (but not all) actions/projects that will be situated in back yards enclosed by a 6' "privacy fence" do not require ARC approval, but most (but not all) actions/projects that will be situated in front or side vards, or in unfenced back yards, require ARC approval. Also see **VIEW FROM NEIGHBORING PROPERTIES** below.

If an action/project requires ARC or BOD approval and a Homeowner either does not apply for ARC or BOD approval, or applies, but does not wait for ARC or BOD approval in writing, before proceeding with such action/project, the non-compliant Homeowner may become subject to the provisions of Section 3, ENFORCEMENT OF GUIDELINES AND RULES, a situation that will likely cause inconvenience, and that may impose a substantial unanticipated financial burden.

Thus, if you are planning an action or project and have read through the guidance and rules that follow, and are still not certain whether or not your action or project requires formal ARC or BOD approval in writing, ARC/BOD members strongly recommend that you either: 1) Informally contact an ARC or BOD member to find out whether or not formal approval from ARC/BOD is required; or, 2) Err on the side of caution by applying to the ARC or BOD for consideration of your action/project. (See Section 1, Attachment 1, Parts 1-3)

The following alphabetical list shows the TOPICS that have aroused greatest interest in the Community since the Community was formed. This listing of TOPICS, together with discussion of each, is intended to describe the official CHOA policy/position on each TOPIC, so that all Homeowners and Lessees will have ready access to the "rule book" that relates to many aspects of our Community life.

AIRBNB OPERATIONS (D Sec 10.18, as amended)

Lease or rental of any part of a property as part of an *Airbnb* business arrangement, or in conjunction with any similar business model, is prohibited. Also see **COMMERCIAL AND PROFESSIONAL ACTIVITY IN COMMUNITY** and **OCCUPANCY AND LEASE POLICY** below, and *Appendix C*.

CHOA BOARD OF DIRECTORS (BOD) - COMMITTEE CHAIRS and other COMMUNITY OFFICIALS.

A list of names, position titles and contact information provided for Residents' reference that is in the **COMMUNITY DIRECTORY** and on the CHOA website www.wmsbgcarriagehomes.org

BOATS, TRAILERS, TRUCKS, RECREATIONAL VEHICLES (RV's) (D Sec. 10.16)

Parking commercial vehicles, trucks, boat trailers, pick-up campers or RV's on streets or driveways overnight is prohibited. All Terrain Vehicles (ATV's) shall not be operated within the Community, either on private or common property, and shall not be parked or stored anywhere in the Community, except inside a garage. Also see *Appendix A*. esp. paras. 4. & 5. regarding exceptions; and *Appendix B*.

BUILDING MODIFICATIONS (D Sec 7.08) ARC approval required in all situations.

Projects described below are subject to ARC approval before any work begins on a project. See Section 1: ARCHITECTURAL REVIEW COMMITTEE (ARC) AUTHORITY AND PROCESS.

- 1. Major building additions, which include, but are not limited to, sun rooms, porches, room additions, patios, and decks.
- 2. The design must be consistent with the shape, style, and size of the existing dwelling in the following ways:
 - a. Siding, roofing, and trim materials must be the same as, or compatible with, the existing materials of the dwelling in color and texture.
 - b. New windows and doors must be compatible with those of the existing dwelling in style and color. Door may be painted white and/or a fan-light may be added with an approved application.
 - c. Roof, eaves and fascias must be the same depth, style and approximate height as existing eaves and fascias. A new roof must have the same approximate slope as those existing on the dwelling. Replacement shingles must be the same color as the original shingles. Building facades may be comprised of brick, and/or vinyl siding, except screened porches.
- 3. Applicable York County building permits are required and all building codes must be observed.
- 4. Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent properties, or the public's use or enjoyment of open space. New windows, doors or viewing areas from the addition should not infringe upon existing internal or external private areas of adjacent properties.
- 5. Additions must not adversely affect drainage conditions on adjacent properties through change in grade or other significant run-off conditions.

Also see EXTERIOR REPLACEMENTS below, and Appendix D.

CAUTION: Before you or a contractor do any digging, call MISS UTILITY (811)

to mark location(s) of underground utility lines.

CAR COVERS (D Sec 7.01)

Car covers must be designed to fit the vehicle being covered, must be in good condition, and must be removed during daylight hours from any vehicle that remains parked on driveway or street. A <u>CAR</u>
<u>COVER</u> shall not be used as a method of long-term storage of a disabled or unused vehicle on driveway or street. <u>CAR COVERS</u> may be kept in place at all times on vehicles parked in the <u>VEHICLE STORAGE</u>
<u>LOT</u> (see below). Also see *Appendix A*. and *Appendix B*.

<u>COMMERCIAL AND PROFESSIONAL ACTIVITY IN COMMUNITY</u> (*D* Sec. 10.13) *BOD approval required in some situations.*

Wholesale or retail business operations shall not be conducted in the Community, except for those business operations that are conducted in-home, exclusively by telephone or electronic means; that do not have physical advertisements anywhere in the Community; that do not involve storage of goods anywhere in the Community, except inside a house or garage where the business is being conducted; and that do not entail physically providing or selling goods to patrons anywhere in the Community. This restriction on business/commercial activity also specifically prohibits lease or rental of any part of a property as part of an

<u>Airbnb</u> business arrangement, or in conjunction with any similar business model. <u>Any other type of business activity requires prior approval of the BOD</u>. See <u>ESTATE/MOVING SALES</u> and <u>GARAGE/YARD SALES</u> below regarding business activities temporarily permitted in these situations.

Door-to-door solicitation of any type, by residents or non-residents, is prohibited. Except in support of nationally or locally recognized charitable causes, e.g., American Cancer Society, American Red Cross, etc., residents shall not solicit within the Community via phone, postal mail, email, hand-carried fliers, etc.

CLOTHESLINES (D Sec 10.17)

Outdoor clotheslines or other devices used for drying or airing of clothing, bedding or any other items are not permitted anywhere in the Community.

DOG HOUSES AND RUNS (D Sec 10.02) ARC approval required in some situations.

All dog houses and runs must be within a fenced back yard and not visible from outside the fence. <u>If a back yard is not fenced, then ARC approval is required</u>.

DRIVEWAYS (D Sec 6.02, 7.01) ARC approval required in some situations.

Owners are responsible for maintaining their driveways. No ARC application is required for driveway repairs. However, repairs must not alter the driveway dimensions, and repairs must be made with Portland cement of adequate strength. The color and surface texture must be the same as the original driveway. If repair or replacement of a driveway will entail changes to color, layout, materials, or size, etc., then ARC approval is required. Also see **EXTERIOR REPLACEMENTS** below, and *Appendix D*.

DRONE OPERATION BOD approval required in all situations.

Operating a drone of any size or type for **recreational purposes** at any altitude, over any part of CHOA Community property, whether private property or common area, by a Homeowner; by a Lessee; by a guest or visitor; by someone residing on property adjacent to CHOA property, or by someone simply passing through the Community; is **strictly prohibited**.

Operating a drone for **commercial/professional purposes** is permitted, **provided that any such operation** is approved in advance, in writing, by the BOD; that the operation is done in accordance with all Federal, State, County, and any other laws and regulations that may control drone operation activity, including licensing, if required; and that the privacy of Community residents is not compromised.

Anyone who wishes to operate a drone for commercial/professional purposes must apply to the BOD, in writing, prior to drone operation, for permission to do so. This request to the BOD must be in the form of a memorandum that includes description of drone and of project for which the drone will be used, and that also includes rationale for project. This request memorandum must be received by BOD at least thirty (30) calendar days prior to the date of the proposed drone operation, in response to which BOD will issue a notice of approval or disapproval, in writing, within ten (10) calendar days of receipt of request.

EMERGENCY PREPAREDNESS

If a natural or man-made emergency occurs in our Community, certain BOD members and other COMMUNITY OFFICIALS are responsible for various actions to cope with the emergency. A description of actions to be taken, and a list of names of these BOD members and COMMUNITY OFFICIALS, that also shows contact information, is included in the *COMMUNITY DIRECTORY*, and on the CHOA website *www.wmsbgcarriagehomes.org*

ESTATE/MOVING SALES BOD approval required in all situations.

An **ESTATE/MOVING SALE** may be held at any time on a private property within the CHOA Community, but **must have prior approval of the BOD**. The request to have a sale must be forwarded to BOD, c/o PM address, no later than thirty (30) calendar days prior to the proposed start date of such sale. The period of sale should not be more than three consecutive calendar days, but BOD may approve an extension upon request that includes justification/rationale for extension.

The request to conduct an **ESTATE/MOVING SALE** must include the name of the Homeowner or Lessee by or for whom the sale is being held, the address where the sale will be conducted, contact information, and the date(s) and time(s) proposed for the sale. The request must also include the name of the company or individual(s) who will be conducting the sale, and contact information for the company or individual(s).

An **ESTATE/MOVING SALE** may be conducted by an Estate Sales Company licensed in the Commonwealth of Virginia, by another comparable sales agent, or by heirs/relatives associated with the Estate/Household. (Auction type estate/moving sales are prohibited in the CHOA Community, must be done outside the CHOA Community, and are not subject to CHOA control.)

To draw attention to a home site where an **ESTATE/MOVING SALE** is being held, those conducting the sale may post one (1) sign advertising the sale on the property where the sale is being held, and one (1) sign at the Community entrance that advises of "ESTATE SALE," date(s) of sale, and address where the sale is being held. Each of these signs shall be no larger than four (4) square feet, shall be put in place no earlier than one (1) hour prior to start of sale, and be removed no later than one (1) hour after completion of sale.

EXCEPTIONS TO CHOA POLICY OR RULES BOD approval required in all situations.

Only the BOD has authority to approve EXCEPTIONS TO CHOA POLICY OR RULES. Any such Exception must be approved before a requester takes any action associated with the Exception requested. The BOD does not have authority to approve Exceptions for any matters specifically prohibited by the Declaration. An Application for Exception must be submitted in writing using the Form and process described in Section 1. Attachment 1, Part 2, with application procedures tailored to fit this situation.

EXTERIOR FURNITURE (D Sec 7.01) ARC approval required in some situations.

Exterior furniture including, but not limited to tables, chairs, benches, and storage items <u>must receive ARC</u> <u>approval</u> before placement anywhere outside of a back yard.

EXTERIOR LIGHTING (D Sec 7.01) ARC approval required in some situations.

Replacement of an existing exterior light fixture with an exact match to the old fixture does not require ARC approval. If any change in the number, style, size, or color of exterior light fixtures is desired, then ARC approval is required, and owners may check with the PM to determine if a pre-approved fixture model number is available. All exterior lighting must be installed so as not to shine on an adjacent neighbor's property. Installation of security lighting or spotlights must be accomplished in a way that does not adversely affect neighboring properties. Landscape lighting does not require ARC approval but must be of limited intensity that will not adversely affect neighboring properties. Also see **EXTERIOR**REPLACEMENTS below, and Appendix D.

EXTERIOR REPLACEMENTS (D Sec 7.01) ARC approval required in some situations.

All **EXTERIOR REPLACEMENTS** such as vinyl siding, windows, shutters, roof shingles, doors, light fixtures, driveways, brick steps and foundations, gutters and downspouts, mailboxes, etc., must be replaced with original materials, if available. **Any exceptions must be approved by the ARC prior to installation as part of ARC approval of the total project**. The ARC can assist with finding original materials, or approved replacement materials. Also see Appendix D.

Information about original or replacement fixtures and materials, and for color blends that paint suppliers will have to use to produce colors authorized by CHOA, is also available on the website, www.wmsbgcarriagehomes.org - Click on "Documents," then on "Maintenance and Repair Resources."

The following color(s)/color combinations have been approved by the BOD. Note that repainting these areas in the colors originally used on a home does not require ARC approval, but that <u>any proposed change</u>

to original color scheme does require ARC approval.

Siding Color	Door Color	Shutter Color	Roof Shingles Color
White	Black or White*	Black	Black
Gray	Black or White*	Black	Black
Tan	Maroon or White*	Maroon	Brown
Cream	Dark Green or White*	Dark Green	Green

^{*}The color of shutters must be the same color as the color of the door, unless the door is white, because white shutters do not provide sufficient contrast with siding colors.

FENCES (D Sec 7.01, 10.03) ARC approval required in some situations.

Installation of a fence where no fence had been present previously requires ARC approval before any work starts on fence installation. Additionally, any proposed changes to existing fences including, but not limited to, color, design, height and location, requires ARC approval before any work starts on fence modification.

Specifications for installing new fences or altering/maintaining existing fences are as follows:

- -Any fence must be made of red cedar or treated wood, with slats four (4) to six (6) inches wide, six (6) feet high, and dog-eared at the top;
- -Any fence must be of uniform height, without different woods, textures, or colors mixed in the same fence plane;
- -Any fence must have a gate with a minimum thirty-six (36) inch width and the gate must be the same height as the fence. To the greatest extent possible, gates shall be kept closed;
- -No fence shall extend forward of the front building line of the dwelling unit;
- -York County codes and regulations must be observed during original or replacement installation.
- -Fences may be left to weather naturally or may be treated with a preservative or stain. The ARC must approve any preservative or stain materials prior to use. Fences may be periodically renewed by pressure washing, if desired, but this may be done only if a Homeowner planning to do pressure washing has advised other Homeowner(s) who share common fence line(s). Any damaged fence must be repaired promptly. If not, a violation letter that requests repair by a certain date will be sent to the Homeowner.
- -Repair or replacement of an existing fence does not require ARC approval if the repair or replacement uses materials equivalent to those in the existing fence, and if there is no change to fence location, height, length, or any other characteristic that differs from the existing fence. Also see **EXTERIOR REPLACEMENTS** above, and *Appendix D*.

FLAGS (D Sec 7.01) ARC approval required in some situations.

Residents may display a maximum of one (1) flag externally in front of their properties. This flag may be displayed on a pole, in a holder affixed to the front of a home, or in a holder affixed to railings at the front of a home. **ARC approval is required for installation of a flag pole**, but is not required for installation of a flag holder. Flags displayed in windows or draped over railings, over any other structure, or over shrubs or trees, are not permitted. Dimensions of this flag are not to exceed three (3) feet by five (5) feet. Residents who choose to display national, state, or other official flags should learn and follow protocol for proper and respectful display of these flags.

In addition to the large flag discussed above, one (1) small garden flag is permitted, not to exceed fifteen (15) inches by eighteen (18) inches, and displayed on a holder that is no more than twenty-four (24) inches above ground level. If a garden flag is displayed, this flag shall be counted as one of the six (6) **GARDEN ORNAMENTS** (see below) approved for display.

GARAGE/YARD SALES (D Sec 4.03 A, B Sec 5.11 e) Per BOD scheduling.

GARAGE/YARD SALES are not allowed except when there is a Community-wide sale at a date and time designated by BOD. Such sales will usually be conducted annually. These sales will be advertised well in advance of the sale date in the CARRIAGE WHEELS community bulletin and via "blast emails."

To draw attention to home sites where a **GARAGE/YARD SALE** is being conducted, those conducting the sale may post a sign, and/or display balloons or colored ribbons, etc., on the mailbox where the sale is being held, during the time that the sale is going on. Community Authorities will post signs elsewhere.

GARDEN HOSES (D Sec 6.02)

When not in use, **GARDEN HOSES** must be stored coiled and concealed from view.

GARDEN ORNAMENTS (D Sec 7.01)

No more than a total of six (6) statues, fountains or other ornaments shall be displayed in a front or side yard. These ornaments shall be displayed only in flower/shrub beds, etc., where their presence will not impede CHOA landscaping contractor lawn care operations. Each of these ornaments shall be no more than twenty-four (24) inches high and thirty-six (36) inches wide. If displayed, the garden flag described in **FLAGS** above is counted as one of the six (6) **GARDEN ORNAMENTS** permitted for display.

GEOTHERMAL UNITS (D 7.01) ARC approval required in all situations.

<u>Subject to ARC approval prior to installation</u>, a Homeowner may have a <u>GEOTHERMAL UNIT</u> installed at the home site. No portion of a <u>GEOTHERMAL UNIT</u>, whether above ground or below ground, shall infringe upon any neighboring property or on any common area. As a condition for such installation, CHOA shall require that a Homeowner who wishes to install a <u>GEOTHERMAL UNIT</u> assume direct liability, in writing, for any and all damage associated with installation that may be done to streets, curbing, or any other common areas, even if this damage is a result of contractor operations.

GRILLS (D Sec 7.01) ARC approval required in some situations.

Permanent or portable grills must be located in the back yard. ARC approval is required if a permanent grill would be visible from neighboring properties.

GUTTERS AND DOWNSPOUTS (D Sec 6.02, 7.01) ARC approval required in some situations.

Proper maintenance requires that gutters and downspouts be kept in good condition. When replacing existing gutters and/or downspouts with like materials, no ARC approval is required. Any gutter guards must be the same color as the exterior color of gutters.

Any proposed addition, or change to the gutter system, such as color, location, or style, etc., that differs from the gutter system originally installed requires ARC approval prior to making any such addition or changes. Also see EXTERIOR REPLACEMENTS above, and Appendix D.

<u>HEATING AND AIR CONDITIONING SOURCES</u> (D Sec 7.01) ARC approval required in some situations.

Window fans, heating units, air conditioners and any other window mounted appliances are prohibited.

Wall mounted fans, heating units, air conditioners and other wall mounted appliances that would be visible from neighboring properties require ARC approval.

HOUSE NUMBERS (D Sec 7.01)

HOUSE NUMBERS are important to emergency personnel in locating an address as well as to facilitate mail and package delivery; therefore each Homeowner shall maintain **HOUSE NUMBERS** as originally provided, i.e., centered over the garage door and directly under the mailbox. Also see *Appendix D*.

LANDSCAPING (D Sec 7.01, 10.03) ARC approval required in some situations.

Landscaping in front and side yards must be approved by the ARC. Landscaping in rear fenced areas may be done without ARC approval, but in a way that does not adversely affect neighboring properties.

Landscaping plans should be discussed with immediate neighbors and careful consideration given to the size of mature plantings, taking into consideration growth above ground and depth/expanse of root systems. When planning any landscaping project, Homeowners are encouraged to do so in consultation with a member of the CHOA Beautification Committee, with a qualified arborist, or with a professional landscaper.

Flower pots hanging from shepherd's hooks, hangers mounted on fences and window flower boxes are permitted only with ARC approval. Homes with existing flower pots, hangers and window flower boxes have been grandfathered until these require alteration or replacement, at which time an application for ARC approval must be submitted.

Plantings intended for the purpose of screening views or to hide utility enclosures must be approved by the ARC. Any such plantings must be in the form of a bed that contains all screening plants, or that contains the utility enclosure and screening plants, designed and executed in a way that either eliminates lawn areas, or that leaves sufficient clearance in remaining lawn areas for the contractor to continue mowing and doing other landscape operations using the same type equipment as was in use prior to installation of these bed(s).

If shrub(s) or tree(s) are removed from a front and/or side yard lawn area, and will not be replaced by some form of landscaping other than lawn grass, the roots of any such shrub(s) or tree(s) must either be dug out or ground down below soil level, then back-filled to original soil level, to create conditions under which lawn grass will grow and blend in with the existing lawn.

A landscaping application submitted to the ARC must include the location and type of shrub(s) or tree(s) proposed for removal, and must include a description of how the areas under consideration will be re-landscaped following the removal of these shrub(s) and tree(s).

The removal of any shrub(s) or tree(s) from the landscaped strip between adjoining unit driveways should be a collaborative effort between the two Homeowners involved, in which they agree to the removal, and to a re-landscaping plan. This may include removal of tree(s) because tree roots are causing damage to driveway(s). The plan for removal and re-landscaping must be submitted to the ARC for approval.

LANDSCAPING SERVICE OPTIONS

This policy permits each Homeowner to choose, once per year, one of three options regarding the range of services to be provided by the CHOA landscaping contractor. See *Appendix E* for details.

MAILBOXES (D Sec 6.02, 7.01) ARC approval required in some situations.

Damaged mailboxes and posts must be replaced with identical replacements. If current style MAILBOXES or posts are unavailable, then replacements must be approved by the ARC.

MAILBOXES or posts shall not be painted any color other than white. MAILBOXES may be decorated temporarily in recognition of a holiday. Time limits for such decorations are the same as those stated below for SEASONAL DECORATIONS. Also see EXTERIOR REPLACEMENTS above, and Appendix D.

MOSQUITO CONTROL

Mosquitoes need STANDING WATER that is undisturbed for about 7-10 days in which to complete a life cycle from egg to adulthood, so <u>LOCATING AND ELIMINATING SITES OF STANDING WATER IS A KEY COMPONENT IN MOSQUITO CONTROL</u>. Mosquitoes do not breed just in large areas of water, like marshes, ponds, or swamps, but can breed in the amount of standing water that will fit into a cap from a beer or soda bottle. Each Resident can make a substantial contribution to <u>MOSQUITO CONTROL</u> efforts by locating, and eliminating, any feature on a property that might hold standing water. A list of the likely spots to look for standing water will be published each year in the May through September editions of *CARRIAGE WHEELS*, and is also available on the CHOA website www.wmsbgcarriagehomes.org

NOISE AND NUISANCE (D Sec 10.06)

All residents are expected to be considerate of others. Excessive noise or nuisance activities impacting neighboring units or the larger Community will not be tolerated. This includes bright lighting; loud music or voices, noisy pets, equipment or vehicle noise; or other sounds or odors. <u>Please take special care to observe the "QUIET TIME" period from 11:00 pm to 8:00 am.</u>

OCCUPANCY AND LEASE POLICY (D Sec 10.18, as amended) BOD approval required in all situations.

This policy, in which the BOD amended the <u>Declaration</u>, permits a certain percentage of Homeowners to lease their homes, <u>contingent upon approval from BOD prior to leasing</u>. This policy does not permit rental of a portion of a home, does not permit sub-leasing, and does not permit room rental, either as a private business transaction, or as a transaction through an intermediary such as <u>Airbnb</u>, or through any business model similar to <u>Airbnb</u>. See <u>Appendix C</u>. for details. Also see <u>AIRBNB OPERATIONS</u> and <u>COMMERCIAL AND PROFESSIONAL ACTIVITY IN COMMUNITY</u> above.

PARKING POLICY (D Sec 4.03 A, B Sec 5.11e)

This policy describes permissible and prohibited parking practices in the Community. <u>Only vehicles that have evidence affixed that indicates current and valid licensing, registration, and inspection (consistent with the requirements of the State or National authority that controls vehicle ownership) shall be parked anywhere in the Community outside of a garage. This parking policy applies to driveways, any streets and other common property, and to the <u>VEHICLE STORAGE LOT</u> (see below). Also see Appendix A.</u>

PETS (D Sec 10.02)

Only traditional household pets such as dogs, cats, birds and fish are permitted. Breeding for commercial purposes is not allowed. The total number of dogs and cats per residence is limited to three (3). However, only two (2) of these three (3) pets per residence may be dogs. Current residents who were residents as of February, 2011, when this limit first took effect, and who are not currently in compliance with "pet population maximums" described here are grandfathered until such time as the number of pets is in compliance with this rule through attrition. Current residents who arrived in the Community after February, 2011, and future residents, are subject to the "pet population maximums" stated above.

Pet owners must maintain all licenses and inoculations as required by State and Local laws and regulations, and, in consideration of other residents and pet owners, should take whatever steps may be necessary to keep pets free of disease and pests. Residents shall not allow dogs, cats or other pets to run at large or unattended outside, except in securely enclosed areas on their property. Dog owners in particular must heed the "QUIET TIME" period from 11:00 pm to 8:00 am discussed in **NOISE AND NUISANCE** above. Residents and/or their guests walking dogs must have them on a leash and under control at all times, and must clean up and properly dispose of any dog droppings, to include those that their dog(s) may have deposited on their own property. Residents and/or their guests are not permitted to allow their pets to use any other Homeowner's private property as a toilet, either to urinate or to defecate. In such situations,

simply cleaning up after pets is ineffective, because once an area has been marked by an animal, the scent draws other animals, both domestic and wild, which continue to mark the same spot and surrounding areas, with associated damage to lawns and landscape plantings. If residents have someone else walking a dog or dogs for them, the resident must acquaint the dog walker with these rules, and make every effort to see that the dog walker follows these rules.

Residents who routinely feed pets outside, even in fenced areas, defined to also include screened porches or open ground-level or raised decks, should take precautions to avoid leaving pet food unattended and to clean up any spillage, because pet food will attract a variety of wild animals, to include feral cats, and these animals could potentially cause damage to property and/or injury to people and pets.

In addition to taking precautions so that food intended for domestic pets does not inadvertently become a handout to feral/wild animals, BOD strongly discourages purposely feeding feral or wild animals (except wild birds) anywhere in the Community. At best, such action is likely to create a nuisance; at worst, it could create situations that are a danger to persons, pets, or property, and may also be unlawful.

RECREATION AND PLAYGROUND EQUIPMENT (D Sec 7.01) ARC approval required in some situations.

Recreation equipment including, but not limited to, swing sets, sand boxes, play forts, skateboard ramps, etc., shall not be placed in front yards, side yards, driveways, or in any common area.

Full-size portable or permanent basketball backboards/hoops are not allowed anywhere in the Community. This prohibition does not apply to "kid-size" basketball equipment, usually plastic, and no more than about 5' high, that is permitted under conditions described in the paragraph above.

ARC approval is required for permanently installed recreation equipment, and any such equipment must be placed in a fenced back yard. If made of wood, it must be allowed to weather naturally or be treated with clear wood preservative (consult ARC for acceptable materials). If made of metal, it must be painted an inconspicuous color (consult ARC for acceptable colors.) Also see **SWIMMING POOLS** below.

SALE OF HOMES

The Virginia Property Owners Association Act requires a seller to obtain a Disclosure Packet from the CHOA, which a seller must provide to a purchaser at contract signing. A Disclosure Packet may be requested from the PM when the property is offered for sale. There is a fee for these materials, which is typically included as part of closing costs. This Disclosure Packet provides protection to any prospective buyer and informs the buyer that there are *Covenants*, restrictions and rules regarding the use of the property. Failure by a seller to provide this packet to a buyer entitles a buyer to cancel the sale.

SATELLITE DISHES AND ANTENNAS (D Sec 10.09) ARC approval required in all situations. Subject to ARC approval prior to installation, a Homeowner may have one (1) externally mounted satellite dish eighteen (18) inches or smaller installed at the home site. The dish must comply with the current regulations and requirements established by the Federal Communications Commission (FCC), with any other applicable Commonwealth of Virginia and York County requirements, and must be designed to receive direct broadcast service, including direct-to-home satellite service.

The dish must be placed on the rear of the roof not visible from the street unless installing in this location imposes unreasonable expense or delay or precludes reception of an acceptable quality signal. A Homeowner who wishes to install a satellite dish of a size larger than eighteen (18) inches, or in an area other than the location described above, must provide detailed information and justification for any such exception in the application to the ARC.

Homeowners are prohibited from installing anywhere on their property more than one (1) externally mounted satellite dish, any other type of externally mounted antenna or other device designed for the reception/transmission of electronic signals. Placement of any such device in any CHOA common area is also prohibited.

A Homeowner will be responsible for all costs associated with a satellite dish installation, as well as all costs for any permits that may be required. To maximize effectiveness for the Homeowner, the ARC recommends that satellite dishes be installed by a professional, licensed contractor.

SEASONAL DECORATIONS (D Sec 7.01)

Subject to the limitations stated in **NOISE and NUISANCE** above, seasonal decorations (temporary decorations associated with a particular holiday, to include Halloween) may be displayed (including display on a **MAILBOX**, if desired) without ARC approval, for a period of seven (7) days before and seven (7) days after such holiday. Decorations for any religious holiday may be displayed for thirty (30) days before and ten (10) days after the date of the holiday.

SHEDS AND TOOL STORAGE (D Sec 7.01, 10.14) ARC approval required in all situations. Subject to ARC approval prior to construction, a Homeowner may construct a shed or other storage structure on his/her property. Application to the ARC must include a sketch of the structure, and a drawing showing the structure's placement, dimensions, roof line, color, and materials used. Any such structure must meet all applicable York County requirements. The structure must be situated entirely within the back yard, must be on a concrete pad or on 4x4 skids, and must be securely anchored to the ground at each corner. Siding material and shingles must match the type and color of these same elements on the main building.

SIGNS (D Sec 7.01, 10.01)

No sign of any kind shall be placed on any private property except as follows: a) One (1) sign of not more than six (6) square feet and no more than six (6) feet high advertising the unit for sale or rent; b) One (1) small sign indicating alarm protection placed in the foundation planting near the home; c) A contractor working at a home site may temporarily place one (1) sign no larger than four (4) square feet, and no higher than three (3) feet above ground level, somewhere on that property to advertise the contractor's business, e.g., ROOFING BEING DONE BY COMPANY "X," RENOVATIONS BEING DONE BY COMPANY "Y," etc. Any such sign shall be in place no earlier than one (1) day prior to start of work, and must be removed on the same day that the contractor's work has been completed. No sign of any size or type shall be placed in any common area. See **ESTATE/MOVING SALES** and **GARAGE/YARD SALES** for rules regarding signs for temporary display permitted in these special situations.

SOLAR COLLECTORS (D Sec 7.01) ARC approval required in all situations.

<u>Subject to ARC approval prior to installation</u>, and if done in compliance with conditions stated here, a Homeowner may have a solar energy device installed. Any such installation must conform with all applicable York County and Virginia codes, and with the manufacturer's specifications and guidelines.

All solar collectors must lay flat along the roof line that is not facing the street. A Homeowner who wishes to install solar collectors on a roof surface other than this location must provide detailed information and justification for any such exception in the application to the ARC.

Solar collectors shall not be installed on any eaves or dormers. Additionally, Homeowners are prohibited from installing any solar collector as a ground level array, or anywhere else on their property except on a roof surface. Homeowners are also prohibited from installing solar collectors or any other components of a solar collection system in any CHOA common area.

STORM DOORS (D Sec 7.01) ARC approval required in some situations.

Storm/screen doors on the front door will be metal with "full or view" glass or two glass panels with self-storage screen. The color of the frame of the storm/screen door must match the existing trim to which it is attached, the front door, or the shutters. **Installation of a completely new or different storm door** requires ARC approval. Replacement of an existing storm door with a storm door that is the same in every respect as an existing storm door does not require ARC approval.

SWIMMING POOLS (D Sec 7.01) ARC approval required in some situations.

Above ground swimming pools are prohibited. <u>In-ground pools and outdoor hot tubs and spas require</u>
<u>ARC approval prior to installation</u>. Use of inflatable or plastic childrens' wading pools is permitted anytime within a fenced back yard. Childrens' pools may be used in front or side yards, but must be removed and stored out of sight each day at sundown, or during other hours as necessary to accommodate mowing or other landscaping operations.

TRASH AND RECYCLING STORAGE AND COLLECTION (D Sec 10.04)

All garbage and trash stored on properties must be kept in covered containers or in sealed plastic bags. All bags or containers used for trash or recyclable materials must be kept inside the rear fence, inside the garage, or in some other location out of sight. Containers shall be placed at curbside to await pickup no earlier than the evening before collection day, and must be returned to a concealed storage location no later than the evening of collection day.

When storing trash and recyclable materials, and especially when setting these materials out for pickup, exercise precautions so that your trash and recyclable materials do not attract feral or wild animals, driven largely by smell, that can readily chew/claw their way into plastic bags and pillage open recycle bins; and so that lightweight recyclable materials like newspapers, etc., do not blow away and litter the Community. Packing newspapers and other lightweight materials together in a paper bag (please don't use plastic bags – which are not accepted by our recycling firm) or placing heavier objects like glass jars on top of lighter materials in a recycle container greatly reduces the risk of unsightly wind-blown litter in our Community.

VEGETABLE GARDENS (D Sec 7.01)

Vegetable gardens must be within a fenced back yard. Crops of any kind shall not exceed six (6) feet in height. Watering the garden must not result in flooding of a neighboring property.

VEHICLE REGISTRATION

CHOA policy requires that all Lessees and all Authorized Occupants of a leased property who are family members of a Lessee register their vehicles with the PM. (See *Appendix C*, **Attachment 2**, **CHOA Lease Addendum**), and that all Homeowners who park any type of motorized vehicle or other equipment in the **VEHICLE STORAGE LOT** register such vehicles and equipment with the PM as part of the process of signing up for use of a space in the **VEHICLE STORAGE LOT**. (Lessees who wish to store equipment in the **VEHICLE STORAGE LOT** must also register any such equipment.) Also see **Appendix B**.

VEHICLE REPAIR (D Sec 4.03 A, 10.15)

Except as stated in *Appendix A*. Parking Policy, para. 1., no vehicle repair shall be done on streets or in any other common areas, on driveways or in yards, or in the **VEHICLE STORAGE LOT**. Inoperative vehicles shall not be parked/stored anywhere in the Community, except inside a garage. Inoperative vehicles parked/stored on a street or other common area are subject to towing at the vehicle owner's expense. A vehicle owner will also be responsible for costs to repair any damage to streets or other common areas resulting from towing operations. Inoperative vehicles parked/stored in a driveway will trigger a warning to the vehicle owner to remove the vehicle or be subject to the provisions stated in **Section 3**.

VEHICLE STORAGE LOT

An area where Homeowners and Lessees park/store vehicles and other equipment prohibited from long-term parking on streets or in driveways, or that are "excess" because the number of vehicles at a home site exceeds the number of parking spaces available in a garage and driveway. Only vehicles that have evidence affixed that indicates current and valid licensing, registration, and inspection (consistent with the requirements of the State or National authority that controls vehicle ownership) shall be parked anywhere in the Community outside of a garage. This parking policy applies to driveways, any streets and other common property, and to the VEHICLE STORAGE LOT. Also see Appendix B.

VEHICLES LEAKING FLUIDS (D Sec 4.03 A, 6.02, 7.01, 10.06, 10.15)

Vehicles leaking fluids shall not be parked/stored in driveways, on streets or on other common property, to include the **VEHICLE STORAGE LOT**. Such vehicles parked on streets or on other common property are subject to immediate towing at the vehicle owner's expense. The owner of a vehicle leaking fluids must pay for any damage done to streets or other common property that is a result of leakage, and must also pay for towing operations, and for any damage that results from towing operations. Vehicles leaking fluids that are parked in a driveway will trigger a warning to the vehicle owner to repair/remove the vehicle or be subject to the provisions of **Section 3**.

VIEW FROM NEIGHBORING PROPERTIES

In reviewing Application Packages, the ARC considers how any feature or object described in an Application Package would appear when viewed from a street, a walkway, of from a neighboring property. In making determinations about the visibility of some feature or object on a property from a neighboring property, the ARC will apply the rule that: The visibility of a feature or an object from a neighboring property means the ability of a person six feet tall, standing on the neighboring property at the same elevation as the base of such feature or object, to view the feature or object.

WOODEN STRUCTURES (other than Fences) (D Sec 6.02, 7.01) ARC approval required in all situations.

Colors or stains shall not be applied to wooden walkways leading to side doors or to any other exterior wooden structures that are visible from neighboring properties or from a street without <u>submitting an application to the ARC for approval prior to starting the work</u>. If approval is granted, the ARC will specify the surfaces that may be treated, as well as the finishes that may be applied to those surfaces. If requested, the ARC will consider white railings and posts and gray flooring. Also see *Appendix D*.

WINDOW SCREENS (D Sec 7.01)

Window screens must be properly maintained, or may be removed entirely. Also see Appendix D.

<u>Section 3.</u> ENFORCEMENT OF GUIDELINES AND RULES

Section 55-513 of the Virginia Property Owners' Association Act, and Article XI Section11.02 of the *Declaration*, establish the framework for enforcement of CHOA *Covenants*, rules and regulations.

The CHOA Enforcement Process shall be as described below. Note that all notification letters that are part of this process shall be sent registered or certified mail with return receipt requested.

- 1. Alleged violations typically surface as a result of reports or complaints from residents, either Homeowners or Lessees, from periodic routine inspections required of the PM, or from semi-annual inspections of properties done by BOD members.
- 2. Any such allegation of violation will be investigated by the PM, or in the PM's absence, by a member of the BOD, or by a member of a CHOA Committee. Alleged violations may pertain to the exterior of a house; to any associated fixtures or structures, such as decks, fences, sheds, driveways, mail boxes, walkways, etc.; and to landscaping anywhere on a property. As dictated by circumstances, a Homeowner may also be held responsible for violations that affect CHOA common property. Investigation may require access to private property. Per *D* Section 11.05, "...at any reasonable time or times, upon not less than 24 hours notice to the Owner..." CHOA authorities "... may enter upon a Lot or other portion of the Property..." to conduct such an investigation.
- 3. If an investigation discloses evidence of a/some violation(s), the violation(s) will be reported to the BOD. (Note that before taking any of the formal enforcement actions described below, the PM and/or BOD will informally advise a Homeowner found to be in violation of Covenants/Community Rules, and attempt to negotiate a resolution of the situation. Should this informal approach fail, the formal Enforcement Process will proceed as follows):
 - a. BOD will direct the PM to send a letter to the Homeowner describing the violation(s) discovered during the investigation; citing portions of the *Declaration* and *Covenants*, and of the CHOA rules and regulations, that pertain to the violation(s); and requesting that the Homeowner provide a reply that includes an action plan to address/correct the violation(s).
 - b. If, fifteen (15) calendar days after certified receipt of this letter describing violation(s), the Homeowner has been unresponsive or returns an unsatisfactory response, the PM will send a second letter requesting that the Homeowner meet in person with the BOD to discuss the situation. This second letter shall provide at least fourteen (14) day advance notice of this meeting, and will also advise the Homeowner that he/she has the right to be represented at this meeting by counsel of his/her choice, at his/her expense.
 - c. If the meeting between BOD and the Homeowner takes place, within seven (7) calendar days of the conclusion of this meeting, the BOD will send a letter, via the PM, to the Homeowner indicating that, as a result of discussions at this meeting: either the violation(s) has/have been corrected; or, the Homeowner has to correct violation(s) within a certain period of time specified in this letter, and in accordance with an action plan described in this letter.
 - d. If the Homeowner does not respond to the **second letter** described in b. above; if the Homeowner refuses to meet with the BOD; or if the Homeowner meets with the BOD, but does not address/correct violation(s) in accordance with the timeline and action plan prescribed by BOD, the BOD will direct the PM to send a "Final Notice" letter advising the non-compliant Homeowner that he/she continues to be in violation of CHOA Covenants, rules and regulations. This letter will also describe the actions required and timeline to be met in correcting these violation(s). This letter will further inform the Homeowner that financial penalties specified in the letter will be assessed retroactive to the date that the Homeowner was originally notified of violation(s), and that, as a last resort, BOD will enter a lien against the property and/or initiate a

lawsuit unless the Homeowner corrects the violation(s) within the period of time prescribed for corrective action. Any Homeowner who has received a "Final notice" letter as described here will not be eligible to rent his/her property, to vote in CHOA elections, to make Application to the ARC for property modification, or to Appeal to the BOD an Adverse Decision of the ARC regarding an Application submitted for property modification, until such time as violation(s) have been corrected and all financial penalties paid.

- e. **D Sections 6.02 and 11.05** discuss situations which might require direct CHOA intervention to correct a violation. Unless there is an immediate and obvious emergency or danger threatening residents and/or property, neither CHOA nor its agents will take corrective action on any Homeowner's property without first obtaining advice of counsel and obtaining any and all legal authority to do so. A letter fulfilling the information requirements of 3.d. above will be sent to the Homeowner before CHOA initiates any such action.
- 4. Monetary penalties and charges available to BOD for violations are:
 - a. \$50 dollars per one-time violation, charged as a Special Assessment against the Homeowner's account. If not paid in full, the unpaid amount may be entered as a lien against the property
 - b. \$10 per day for not more than 90 days for continuing violations, charged as a Special Assessment against the Homeowner's account. If not paid in full, the unpaid amount may be entered as a lien against the property.
 - c. Costs of repairs to common property or Homeowner's property occasioned by neglect, carelessness or other reason, and which fall under the BOD area of responsibility under the *Covenants*. BOD will assess such costs only after obtaining legal advice to do so. If not paid in full, the unpaid amount of these costs may be entered as a lien against the property.
- 5. At any point during this enforcement process the Homeowner may threaten to sue, or actually file suit against CHOA. If this happens, the BOD will deal with the situation with the assistance of counsel. The BOD will similarly seek assistance of counsel if the BOD deems it necessary for CHOA to file suit. If an agreement is reached between CHOA and a Homeowner, whether through legal proceedings, or by other means, the agreement, and any conditions related to the agreement, shall be documented in official CHOA records.
- 6. In all cases the BOD will make every attempt to recover from a Homeowner any and all costs and expenses related to enforcement proceedings, as allowed by law and the courts. These include, but are not limited to, expenses incurred in repairing property, legal fees, court fees, administrative expenses and any other costs and expenses to the extent relevant to the situation.

Appendix A Parking Policy

Long-term parking (defined as parking overnight or longer) within the CHOA Community is restricted to privately owned or leased non-commercial vehicles within driveways and garages, or in the **Vehicle Storage Lot** (See Appendix B). Only vehicles that have evidence affixed that indicates current and valid licensing, registration, and inspection (consistent with the requirements of the State or National authority that controls vehicle ownership) shall be parked anywhere in the Community outside of a garage. This parking policy applies to driveways, any streets and other common property, and to the **Vehicle Storage Lot**. All vehicles must be parked so as not to impede traffic or mailbox access, or in a way that causes damage to grass or other vegetation. Vehicles must not be parked on the street overnight (except as noted in para. 4 below). Vehicles belonging to residents or guests that cannot be parked within the space available in driveway and garage (defined as "excess" vehicles) must be parked in the **Vehicle Storage Lot**. Nothing in this policy is intended to conflict with, or supersede, any State or County laws or regulations that pertain to motor vehicles or to other equipment or personal property addressed in this policy. Resident or guest short-term parking (for a few hours, but not overnight) on streets, rather than in a garage or driveway, is not a violation of this policy.

- 1. No junk or derelict vehicles, or vehicles leaking fluids, shall be kept in driveways, on streets, on any portion of common areas, or in the **Vehicle Storage Lot**. Maintenance or repair of any motor vehicle that renders the vehicle inoperative for a period longer than one (1) day shall not be done in driveways, on any portion of common areas, or in the **Vehicle Storage Lot**. Privately owned/leased vehicles, in operating or non-operating condition, may be maintained and repaired within garages.
- 2. No vehicles parked on streets or in common areas may display a "for sale" sign.
- 3. Except as indicated in 4. and 5. below, parking of commercial vehicles, construction vehicles, trucks, boats, trailers, pick-up campers or recreational vehicles (RV's) on streets or in driveways overnight is prohibited. These vehicles must be parked in garages or in the **Vehicle Storage Lot**. Operation and parking/storage of All-Terrain Vehicles (ATV's) anywhere in the Community, including the **Vehicle Storage Lot**, is prohibited. ATV's may be parked in garages, but not on driveways.
- 4. Motor homes/RV's may be parked in driveways or on streets for up to twenty-four (24) hours immediately prior to use and for up to twenty-four (24) hours immediately following use. When an RV is parked in a driveway or on the street, the RV owner shall not operate the RV generator motor during "QUIET TIME" from 11:00 pm to 8:00 am. (See **NOISE AND NUISANCE** in **Section 2**.)
- 5. For the purposes of this parking policy, 3/4 ton or smaller trucks, and vans without signs or lettering, are not considered to be trucks, and may be parked in driveways at any time.
- 6. Subject to applicable laws and ordinances, CHOA authorities shall arrange to have towed any ATV, motor vehicle, RV, boat or trailer parked in violation of this policy, or of other restrictions set forth in the *Declaration*, at the sole expense of the owner of the vehicle or equipment, as follows:
 - (a) A vehicle parked in a NO PARKING ZONE or in a fire lane, double parked, or otherwise blocking thruways or mailbox access, or parked in a way that creates an emergency situation, is subject to towing as soon as possible after being found, and without notice prior to towing. In these circumstances, the vehicle owner will be notified of towing after the fact.
 - (b) A vehicle parked in a non-designated area not covered in (a) is subject to towing if it remains in violation for twenty-four (24) hours after a notice of violation has been placed on the vehicle.
- 7. Vehicles parked in violation of this policy on a driveway or other private property will trigger a warning to the vehicle owner to remove the vehicle or be subject to the provisions of **Section 3**.

Appendix B Vehicle Storage Lot

A <u>Vehicle Storage Lot</u> (hereafter referred to as "LOT") is located at the end of Bastille Court. <u>Only vehicles that have evidence affixed that indicates current and valid licensing, registration, and inspection (consistent with the requirements of the State or National authority that controls vehicle ownership) shall be parked in this <u>LOT</u>. A Homeowner or Lessee who parks any type of motorized vehicle or other equipment in this <u>LOT</u> is required to register such vehicle or equipment with the PM as a prerequisite to use this <u>LOT</u>, by providing, as appropriate, Vehicle/Equipment Year/Make/Model/Color/Licensing Authority/ License Plate Number. Non-operating vehicles as defined in York County Code shall not be kept in this <u>LOT</u>. Subject to these conditions, RV's, trailers, boats on trailer, pick-up trucks over 3/4 ton, commercial vehicles, and automobiles in *excess of driveway and garage parking space, must be parked in this <u>LOT</u>. (*An "excess" vehicle is defined as any vehicle that cannot be parked in the space available in a garage or on a driveway.) Fitted covers in good condition may be used as protective devices on motor vehicles, or on any other equipment kept in this **LOT**, and may be kept in place at all times. (Also See **Appendix A**.)</u>

Priorities for use of space(s) in this **LOT** are as follows: 1) Resident Homeowners; 2) Resident Lessees; 3) Non-Resident Homeowners. As demand for space may require, these priorities shall apply. Guests of residents who need to park any vehicle or equipment described in the paragraph above overnight or longer must also park such vehicles or other equipment in this **LOT**.

This **LOT** is divided into **Upper** and **Lower Sections**. The **Upper Section** can accommodate trailers longer than 20 feet and boats on trailers longer than 20 feet. **Upper Section** preference is given to larger motor homes and other vehicles that cannot easily or safely negotiate the hill for **Lower Section** access. The **Upper Section** has space for 8 vehicles/equipment, all of which will be parked by size, with the largest occupying the space closest to the entrance, and the smallest occupying the space farthest from the entrance. This procedure may entail assigning different parking spaces to current users to accommodate the later arrival of vehicle(s)/equipment larger or smaller than those already in assigned space(s). The **Lower Section** is to be used for all other smaller utility trailers, boats on trailers, all other vehicles/trailers prohibited from driveway/street parking, and for *excess* automobiles, *to include excess vehicles of guests of residents that require long-term (overnight or longer) parking*.

All **LOT** spaces are lined and numbered. Upon Homeowner or Lessee application for a space, a specific space will be assigned for the exclusive use of that Homeowner or Lessee. Only one space is allowed per individual unless additional unassigned spaces are available. As demand for spaces may require, any individual with more than one space assigned shall be required to give up space according to the priorities stated above. As needed, waiting lists will be developed for both **Upper Section** and **Lower Section** spaces. Assignment of spaces from these lists will proceed from earliest date of request for space.

Annual fees for use of this LOT are: \$75.00 per year per Lower Section space, and \$150.00 per year per Upper Section space. If a LOT user first occupies a space in any month other than January, the LOT user must pay the fee for the entire year in which the month of first occupancy occurs, then pay the full annual fee in January of each year thereafter. If, anytime during a year, a LOT user vacates a space for which the full annual fee has been paid, no refund will be provided. Guests of residents may use a space in the Upper or Lower Section for up to thirty (30) consecutive days without charge. All funds collected shall be used to maintain this LOT.

In addition to requirements stated in first para. above, each vehicle or piece of equipment parked in this LOT must be identified by a code that consists of the first letter of the vehicle/equipment owner's street name and house number. For example, 105 Bastille Court will be B105. All vehicles must have this coded ID on the driver side inside lower front window. Trailers must have this coded ID placed near the hitch. Guests of residents who use this LOT shall identify their vehicle or equipment using the code described here that is associated with the address of their resident host.

The PM handles all administrative details regarding this LOT. Please contact the PM for more information.