

# CHURTON GROVE

A decorative graphic of a leafy branch, rendered in a light green color, positioned below the title 'CHURTON GROVE'. The branch curves gently across the width of the text.

**Churton Grove Homeowners Association, Inc.**

## **Manual of Architectural Control Guidelines, Standards & Procedures**

Revision 3.2

March 30, 2019

# Document Control

## Revision History

This is a history of the document's revisions highlighting significant changes per revision number, date (M/D/Y), comments and initials.

Revision	Date	Comments	Person/Group
1.0	02/16/2000	First Release	JM
1.2	06/01/2007	Updated Process, Added CAS information, and Added Conner Lot Playground process, fixed sections.	WA
1.3	08/04/2008	CAMS Update, on-site document	WA
1.31	03/09/2009	Updated TOC to be dynamic and show sub sections	WA
1.32	07/19/2010	Updated CAMS contact information	MO
2.0	05/07/2012	Major revisions. Updated EWP contact info.	ACC
3.0	09/01/2013	Major revisions, revised sections for clarity.	ACC
3.2	03/30/2019	Updated management information, updated sections per changes approved by the board of directors.	ACC

# Table of Contents

Document Control / Revision History..... 1

**Section 1.00: ACC General Information..... 4**

    Section 1.01: ACC Introduction..... 5

    Section 1.02: ACC Purpose..... 6

    Section 1.03: ACC Organization..... 7

    Section 1.04: ACC Responsibilities & Enforcement. .... 9

    Section 1.05: ACC Disclaimer..... 12

    Section 1.06: Additional Information..... 13

**Section 2.00: ACC Standards..... 14**

    General Building Specifications 2.00 (Lot & Yard Definitions). .... 15

        Section 2.01: Decks..... 18

        Section 2.02: Building Additions or Exterior Modification ..... 19

        Section 2.03: Fences..... 21

        Section 2.04 Parking Pad & Driveways..... 25

        Section 2.05 Walkways and Patios..... 26

        Section 2.06 Landscaping ..... 27

        Section 2.07 Satellite Dishes and Antennas ..... 30

        Section 2.08 Exterior Free-Standing Detached Structure ..... 31

        Section 2.09 Exterior Painting..... 33

        Section 2.10 Exterior Lighting..... 34

        Section 2.11 Retaining Walls..... 36

        Section 2.12 Hot Tubs/ Pools ..... 37

Section 2.13 Flags & Banners.....38

Section 2.14 Holiday Decorations.....39

Section 2.15 Mailboxes.....40

Section 2.16 Playground & Recreation Equipment.....41

Section 2.17 Grills, Outdoor Fireplaces, and Fire Pits... ..43

Section 2.18 Garbage Can Screening.....44

Section 2.19 Rain Barrels.....46

**Section 3.00 Maintenance .....47**

**Section 4.00 Procedure for Requesting ACC Application and Review.....49**

Section 4.01 Application Instructions.....50

Section 4.02 ACC Application Request Form .....52

Section 4.03 Appeal Process.....55

Section 4.04 ACC Notice of Appeal Request Form.....56

Section 4.05 Contact Information (Management Company) .....57

## Section 1.00 - ACC General Information

The guidelines and standards presented in this manual apply to Churton Grove residents. Non-residents are prohibited from submitting an ACC application for review. You must be a current property owner in good standing to submit an ACC application for review. Non-residents who plan on moving to Churton Grove may not submit ACC applications until after they have purchased their house and are titled property owners. The ACC will be happy to assist future residents with any questions they might have before they move in as well as direct them to our official website, [www.churtongrove.org](http://www.churtongrove.org) for more information.

In addition to complying with our ACC guidelines, it is the responsibility of all homeowners to comply with all Orange County zoning, permit, standards and ordinances. These are not covered in the Guidelines & Standards. If you have any questions about county requirements, zoning, permits, approvals or permissions you should contact the appropriate department head at the Orange County office.

Homeowners shall retain copies of any ACC signed approvals as proof of compliance, whether to the HOA or future home buyers. The burden of proof shall always be on the homeowner to prove compliance, not the HOA.

## Section 1.01 - ACC Introduction

Churton Grove is a 308 acre Planned Unit Development (P.U.D.) with special Covenants, Conditions and Restrictions (CCRs) tied to ownership, that are designed to protect and enhance property values and to maintain a visually consistent quality of life throughout the community.

Governed by a Master Declaration of Covenants and Restrictions created according to North Carolina General Statutes and on file at the Orange County Register of Deeds, Churton Grove has formed a not-for-profit Homeowners Association (Churton Grove Homeowners Association, Inc.) to manage the affairs of the community in which you are automatically a member of as a property owner in Churton Grove. Empowered by this Declaration, the Architectural Control Committee (ACC) is charged with the responsibility to ensure that all properties are developed and maintained in a manner consistent with the aesthetic values established by the Homeowners Association.

Consistent with the responsibilities under the CCRs and related documents, the ACC maintains control of all exterior changes to homes and lands within the community to ensure an aesthetically pleasing streetscape throughout the neighborhood. **This document sets forth guidelines, standards and procedures for making changes to the exterior of your home and yard that must be followed.** Please read and familiarize yourself with this information before submitting an ACC application and do not initiate any work until you have a signed and approved application in hand.

Information contained within an ACC application is private and shall only be shared with the applicant, the ACC Committee, our Management Company and/or members of the Board of Directors.

We thank you in advance for your cooperation.

Sincerely,

Churton Grove Homeowners Association Board of Directors

## Section 1.02 - ACC Purpose

### Architectural Control Committee

The purpose of the Churton Grove Architectural Control Committee (ACC) is to regulate the design, appearance and location of external improvements to all properties within the subdivision in such a manner as to:

1. Maintain a consistent quality level of improvements that enhance property values for all owners.
2. Promote a harmonious relationship among neighboring structures, landscaping and topography.
3. Blend functional necessity with aesthetic appeal.

The Architectural Control Committee is required to:

4. Review all applications for exterior changes to buildings or grounds.
5. Approve or deny requested changes within a reasonable timeframe.
6. Develop and maintain architectural standards, guidelines and related regulations for approval by the Board of Directors.
7. Publish development standards and guidelines for distribution to property owners upon request.
8. Enforce architectural standards as directed by the Board of Directors.

## Section 1.03 - ACC Organization

The Architectural Control Committee (ACC) will consist of at least three, but not more than five persons appointed by the Association's Board of Directors.

The chairperson shall be appointed from the membership of the Architectural Control Committee by the President of the Board of Directors with the approval of a majority of the Board of Directors. Membership on the Architectural Control Committee requires approval of the Board of Directors.

### Authority

The authority of the Architectural Control Committee flows from the Declaration of Master Covenants, Conditions and Restrictions for Churton Grove and the By-Laws of the Churton Grove Homeowners Association, Inc., the Rules, Regulations and Enforcement Procedures of the Churton Grove Homeowners Association, the Architectural Control Standards and such other relevant rules, regulations or resolutions related to architectural control as may be adopted by the Board of Directors.

The Declarant (the developer) has authority over the initial construction and landscaping of dwelling units constructed by his assigns (Builders) within Churton Grove but has no authority over common area or commonly owned property development such as the Clubhouse, the pool, the playground, mini-parks, right-of-way, trails and other common areas. Upon transfer of these assets to the Homeowners Association by the Declarant the Architectural Control Committee will assume architectural control over these areas in accordance with the master declaration.

### Powers

The Declaration of Master Covenants, Conditions and Restrictions for Churton Grove provide that:

1. No building, sign, fence, outside lighting, hedge, wall, walk, antenna, clothesline or other structure or planting shall be constructed, erected or planted until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, color scheme, and location with respect to the topography and finished ground elevation shall have been submitted to and approved in writing by the ACC. The ACC shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons, provided such approval is not unreasonably withheld. In approving or disapproving such plans and applications, the ACC shall consider the suitability of the proposed building, improvements, structure, or landscaping and materials of which same are

to be built, the site upon which it is proposed to be erected, the harmony thereof with the surrounding area and the effect thereof on adjacent or neighboring property.

2. There is specifically reserved unto the ACC, the right of entry and inspection upon any Lot, for the purpose of determination by the ACC whether there exists any construction or any improvement which violates the terms of any approval by the ACC or the terms of this Declaration or of any other covenants, conditions and restrictions to which its deed or other instrument of conveyance makes reference. The Enforcement Procedure of the Churton Grove Homeowners Association, Inc. provides that the power to enter and inspect shall be exercised in a reasonable manner and that nonconsensual entries shall not be made without express approval of the Board of Directors.
3. The ACC has the right, but not the obligation, to grant waivers for minor deviations and infractions. The granting of any waiver for any portion of the properties may be given or withheld in the ACC's sole discretion and a prior grant of a similar waiver shall not impose upon the ACC the duty to grant a new or additional request for such waivers.
4. The Architectural Control Committee shall develop ACC policy standards subject to approval of the Board of Directors of the Association setting forth policies and procedures governing the architectural control review and enforcement process for Churton Grove. The policy standards shall include: (a) the application process, (b) review procedures of the Architectural Control Committee, (c) the standards for various types of architectural and landscaping changes, and (d) such other Standards and rules as may be necessary to implement effective architectural control within Churton Grove. The Standards may also include specific recommended design practices that are generally accepted methods for achieving the objectives of the Association in particular design problems frequently encountered in the community. The policy standards are intended to assist the Architectural Control Committee and the Owners of lots in the ongoing process of community design.

# Section 1.04 - ACC Responsibilities & Enforcement

## RESPONSIBILITIES

### Board of Directors

1. The Churton Grove Homeowners Association Board of Directors is responsible for the overall direction and approval of all enforcement actions.
2. The Board of Directors is available for appeal of enforcement actions taken by the Architectural Control Committee (ACC).
3. The ACC shall only have the enforcement power delegated to them by the Board of Directors except that the ACC shall have that power delegated to it by the Covenants and related documents within the procedures established by the Board. The Board of Directors shall retain all other enforcement powers.

### Architectural Control Committee

1. The ACC shall review, and screen ACC applications submitted by homeowners for completeness and if complete, approve or deny the application within thirty days of receipt of a complete application.
2. The ACC shall be responsible for identification and enforcement action against violations of the architectural standards, covenant provisions related to architectural standards and rules and regulations related to architectural control on individual homeowners lots.
3. The ACC shall identify and process violations in a timely manner. Any violations found will be reported to the management company for follow-up. The ACC and management company will work together to investigate violations and make recommendations to the Board of Directors.
4. The ACC shall investigate alleged violations, assign sub-committees to conduct such investigations or request the management company to investigate.
5. The ACC shall review the results of investigations and take immediate action to prevent violation or continued violation where possible and/or make a recommendation to the Board of Directors for appropriate enforcement action in the event improvements have been completed without ACC review and approval.

### Management Company

1. The property management company under contract to the Churton Grove Homeowners Association shall be responsible for conducting field inspections of Churton Grove to identify ACC violations.
2. The management company shall also gather complaints (from any source) regarding violations requiring possible enforcement action in Churton Grove.

The management company shall document all complaints received and forward them to the appropriate person(s) for action.

3. The management company shall keep the ACC committee and the Board informed of the result of investigations, enforcement action results/remedies taken and of potential problem areas where enforcement action may become necessary.
4. The management company shall provide the ACC Chairman with a monthly report detailing the status of the current ACC violation investigations and any enforcement actions taken.

## **VIOLATION IDENTIFICATION and ENFORCEMENT PROCESS**

### **A. Identification and Investigation of Violations**

1. For ACC violations, the Architectural Control Committee is primarily responsible for the investigation and identification of violations to the ACC Guidelines & Standards. The ACC may delegate this responsibility to the Management Company, or a subcommittee as deemed necessary.
2. Possible ACC violations shall be reported in writing to the ACC, the Board and/or the Management Company by any member of the Association or Management Company.
3. All ACC violation complaints received in writing alleging ACC violations, shall be initially investigated by the Management Company. The Management Company may also request that the ACC investigate the complaint, or they can both work together to investigate the claims. Verbal notification will not be accepted. Where appropriate, paid professional or technical assistance may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the need for such an investigation.

### **B. Enforcement Process**

Upon confirmation that an ACC violation has occurred, the ACC shall determine the nature of the violation within the following categories:

#### **Major Violations**

1. Without Request: Major architectural or landscaping changes without ACC approval. Possible violation of standard(s); approval not likely without changes.
2. With Request: Major architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval. Possible violation of standard(s); approval not likely without changes.

Note: All **Major Violations** shall require a formal, comprehensive investigation with full documentation of any actions to be taken. The ACC shall make visual observations of the alleged violation with photographs taken, when possible. Interviews of the owners involved

may be conducted, but at least two members of the ACC should be present, and any promises made or opinions expressed during the interview will not be binding on the ACC. The ACC shall present the findings and recommended actions to the Board of Directors. The ACC will then formally notify in writing the owner of the actions to be taken.

### **Minor Violations**

1. Without Request: Minor architectural or landscaping changes without ACC approval.
2. With Request: Minor architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval or not consistent with ACC approval.

Note: For **Major** and/or **Minor Violations**, the owner will be notified by the Management Company of what corrective actions need to be taken to be within compliance of the standards. The owner shall respond in writing within 15 days from the date of the US Postal Service delivery confirmation date of the letter indicating when and what corrective actions will be completed. Lack of a response or compliance shall escalate the violation to a Major Violation.

In the case of work in progress, a letter shall be sent informing the appropriate persons to cease the work immediately, explaining the violation and, in addition, giving the violator a set, but reasonable amount of time to correct the violation.

### C. Enforcement Options:

1. If the corrective action required by the notice is taken by the property owner within the specified time and completed in a satisfactory manner, no further enforcement actions will be necessary.
2. If work is not ceased as requested or corrective action is not taken within the specified time, or the corrective action taken is not satisfactory to the ACC, the following actions may be taken:
  - a. Impose fines in accordance with the Declaration of Master Covenants, Conditions and Restrictions for Churton Grove Subdivision.
  - b. Seek a temporary restraining order or injunction to stop any continuing work.
  - c. Demand that unapproved changes be removed within a specified, but reasonable period of time and impose fines if not accomplished by the applicable deadline.
  - d. Retain appropriate contractors to correct the situation and charge the property owner, beyond any fines for the cost of such corrective action.
  - e. Suspension of member's voting rights and /or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
  - f. Place liens on property until corrective action is taken by homeowner.
  - g. Any other corrective actions that may be appropriate in a particular situation.

## Section 1.05 - ACC Disclaimer

The Association, Declarant, Architectural Control Committee or any officer, employee, agent, director, or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any plans and specifications. Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, Declarant, or Architectural Control Committee to recover any such damages.

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and to set forth some of the standards applied by the Architectural Control Committee. These Architectural Standards are not all-inclusive, and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process. If you have any questions, please do not hesitate to contact the Churton Grove HOA management company or the ACC.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason; or shall be held by any court of competent jurisdiction to be illegal, null or void; the remaining paragraphs, sections, clauses and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Master Covenants, Conditions and Restrictions for Churton Grove, the By-Laws of the Churton Grove Homeowners Association, Inc. and these Standards, the Declaration shall control. In case of any conflict between these Standards and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These Standards supersede all previous guidelines or standards and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority of the Board of Directors. We are not liable for any errors or omissions contained within. Any prior approvals under the superseded guidelines are considered valid and will not be subject to the new standard with the exception of Section 3.00 Maintenance. If a homeowner is found to be in violation of the standard and did not have prior approval, the new standard will be enforced notwithstanding when the violation occurred.

It is each **homeowner's responsibility** to comply with the current ACC Guidelines, Standards & Procedures. You can contact the management company to obtain the latest version of this ACC document or download a copy of the latest version at [www.churtongrove.org](http://www.churtongrove.org).

Additionally, all homeowners shall comply with all Orange County codes, standards and ordinances. These are not covered in this document and it is the responsibility of all homeowners to check with Orange County to insure compliance with all county standards, approvals, permits and ordinances.

## Section 1.06 – Additional Information

Here is a list providing some of the most commonly requested information which you may find useful when planning projects or completing an ACC application.

If you are not sure if you need to submit an ACC application, review the current ACC Guidelines and Standards first. If you still have questions, then contact us directly.

In addition to an approved ACC application, many projects may require an Orange County Zoning Compliance Permit and may also require other permits too (e.g. a Building Permit). Check with the Orange County Planning and Building Departments for more information.

<b>The Churton Grove ACC:</b>	<a href="mailto:acc@churtongrove.org">acc@churtongrove.org</a>
<b>The Churton Grove Board of Directors:</b>	<a href="mailto:board@churtongrove.org">board@churtongrove.org</a>
<b>Our Management Company:</b> (East West Partners Club Management)	<a href="mailto:clientservices@ewclubs.com">clientservices@ewclubs.com</a> 919-969-1154
<b>The Orange County Planning Dept:</b> 131 West Margaret Lane; #201 Hillsborough, NC 27278	919-245-2575 *Questions about Zoning Permits.
<b>The Orange County Building Dept.</b> 131 West Margaret Lane; #101 Hillsborough, NC 27278	919-245-2600 *Questions about Building Permits.
<b>The Orange County ARIES Mapping Software:</b>	<a href="http://aries.co.orange.nc.us/">http://aries.co.orange.nc.us/</a> *Very useful for property info.

**Section 2.00 - ACC Standards**

**Architectural Standards**

# Section 2.00 - ACC Standards

## Home Building General Specifications / Definitions

In an effort to provide consistency among the various phases within Churton Grove, an array of traditionally styled, quality homes have been built that promotes a unique neighborhood lifestyle experience. Any homes being replaced must meet the general Building Specification and their style must blend with existing homes. All new home building or any exterior remodeling, renovation or modification requires ACC application submission and approval prior to beginning construction.

### ENERGY EFFICIENCY

- New homes shall meet the current US EPA Energy Star Certification program.

### BUILDING SETBACKS (Minimum distances rounded to whole feet)

- Front yard - 50' from the street.
- Side yard - 15' from the side lot line.
- Rear yard - 50' from the rear lot line.
- Corner lots, side yard - 30' from the street.

### BUILDING LOT SIZE

- Minimum 0.40 acre.
- Multiple existing home lots shall not be combined (or re-zoned) for the purpose of placing one house on multiple lots.

### HOME SQUARE FOOTAGE

- Heated Square Feet. Between 2,300 and 5,250 sq. ft. per house.

### HOME APPEARANCE, PLACEMENT AND LOT CLEARING

- Similar home designs shall not be allowed on adjacent properties without extensive changes to elevation appearance, color scheme and architectural detailing.
- Each home will be individually sited to maximize the retention of quality tree cover for each home site.

### EXTERIOR

- Fiber cement, brick, or stone siding. Colors to be reviewed by the ACC.
- Seamless aluminum gutters & downspouts.

### FRONT PORCHES

- 6' Minimum Depth and 10' minimum width

**GARAGE**

- 2 or 3 front load or 2, 3 or 4-car side load attached garage.
- All front load garages shall require split doors.

**ROOFING**

- Asphalt fiberglass dimensional shingles, minimum 25-year warranty or standing seam metal roof.

**DRIVEWAY & WALKWAY(S)**

- All concrete and natural in color.

**FOUNDATIONS**

- Raised only, no slab-on-grade allowed except for garages.

**CRAWL SPACE (Standard)**

- Closed crawl space to meet the current residential building code.

**BASEMENTS (Instead of Crawlspace)**

- Poured concrete walls.
- Radon remediation piping from beneath basement floor to exterior with fan.
- Perimeter foundation drain or sump pit to daylight or lift tank.

**CHIMNEY STACKS (Optional)**

- Only brick or stone allowed.

**FRAMING**

- 9' Minimum First Floor Ceiling Heights.
- 8' Minimum Second Floor Ceiling Heights.
- Wood sheathing on exterior walls and roof.

**DOORS & WINDOWS**

- Fiberglass or wood insulated front entry door with 2 sidelights.
- All other exterior sliding or swinging patio doors shall be wood or fiberglass.

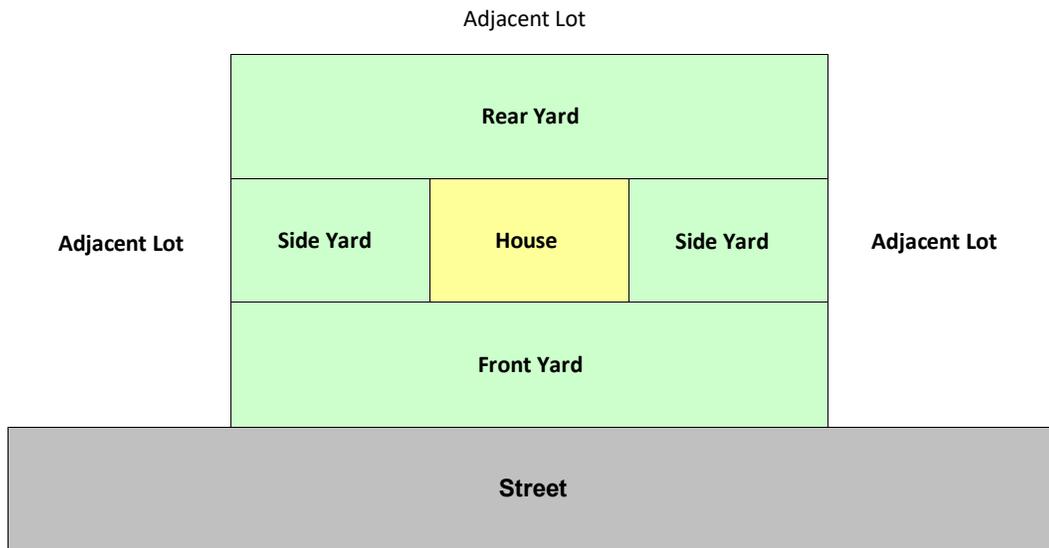
**TOWN SERVICES (Optional)**

- Municipal Water Service (Where Available)
- Municipal Sewer Service (Where Available)

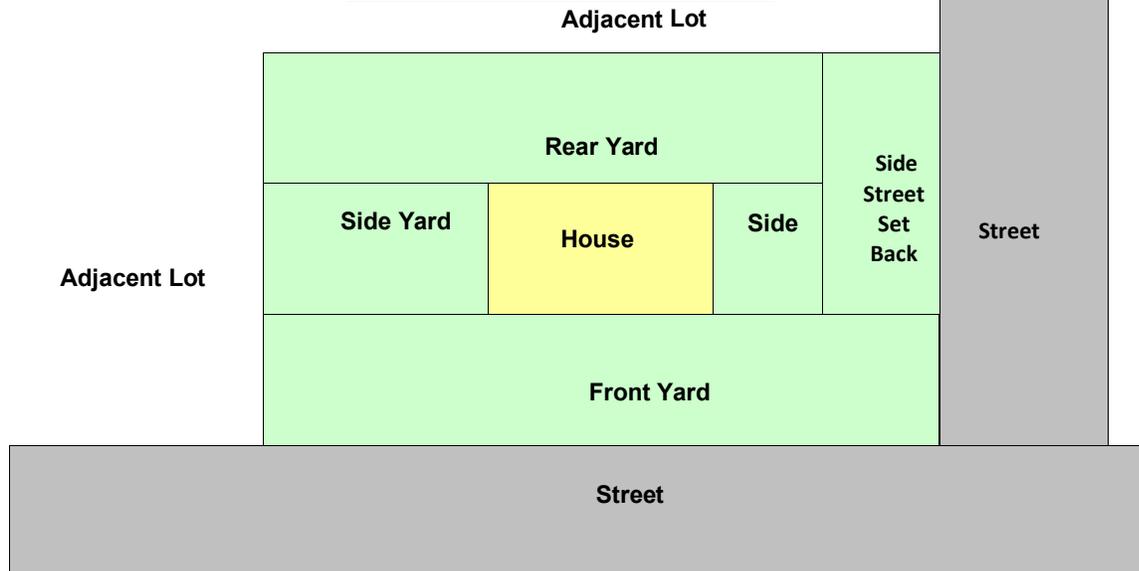
**Lot & Yard Definitions:**

1. Standard Lots only have a street on the front of the house.
2. Corner Lots are defined as those lots bordered on 2 sides by a street.
3. For Corner Lots, the Side Street Set Back is defined as 1/2 of the distance between the side street curb or sidewalk and the closest point of the house and from the front corner of the house to the rear property line (see diagram below).

**Standard Lot Area Definition Drawing**



**Corner Lot Area Definition Drawing**



## Section 2.01 - Decks

### **Appearance:**

1. Decks may remain natural in color but must be water sealed. They may be stained one of the following colors: redwood, redwood natural tone, or cedar, cedar natural tone without approval. All other colors/finishes require ACC approval.
2. Standard deck height shall be no higher than the main floor of the house. The size and styling of decks shall complement the dwelling and be in proportion to the dwelling.

### **Location:**

3. All decking shall be confined to the rear of the dwelling and shall not protrude past the sides of the building. Decks shall be within the minimum setback requirements of Churton Grove; however, final placement and approval will be determined by the Architectural Control Committee and may be more restrictive than the Orange County requirements.

### **Materials:**

4. The deck shall be constructed of #2 or better pressure-treated southern yellow pine or composite decking material with galvanized hardware or other acceptable materials as approved by the ACC.

### **Requirements:**

5. It is the homeowner's responsibility to obtain ACC approval and a permit from Orange County before starting any work. All required inspections shall be successfully completed. Proper drainage shall be maintained around the deck and away from the foundation.

### **Architectural Control Committee approval is NOT required for the following:**

6. None. All decks require approval by ACC.

## **Section 2.02 - Building Additions or Exterior Modification**

Building additions include screened porches, new living space, carriage garages or storage areas that are physically attached to the main structure of the existing house. Exterior modifications include the addition of storm doors or similar modifications including changes in exterior color schemes.

### **Appearance:**

1. All building additions and or modifications will be reviewed on an individual basis. Generally, the Architectural Control Committee shall review materials, colors, finishes, location, scale and other details of the proposed addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the proposed structure to surrounding sites.
2. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintains the scale, detailing, materials, massing, color(s) and design intent of the original structure.

### **Location:**

3. In general, with the exception of building modifications, the location for building additions shall be governed by the maximum building area that is defined by Orange County in respect to the approved impervious calculation and the setback requirements approved in the Master Declaration.
4. The Architectural Committee reserves the right to reject applications that may meet the County setback requirements but fail to meet the objectives of the Architectural Control Committee.
5. A prior approval of an application does not guarantee subsequent approvals on the same or other lot.

### **Materials:**

6. Materials for use on any building addition or modification shall meet or exceed the quality of and be consistent with the materials used in construction of the original structure.
7. Compliance with the current edition of the Orange County building codes and zoning compliance will be considered meeting the minimum standards of construction. The Architectural Control Committee reserves the right to require the homeowners to exceed these minimum standards if it is deemed necessary to maintain the architectural intent of the original structure.
8. In general, the Architectural Control Committee seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use different materials than in the original structure, such as brick will be reviewed on a case by case basis.
9. Vinyl siding is not allowed on any structure in Churton Grove.

**Requirements:**

10. All building additions and modifications must ensure proper drainage to all sites affected by such improvements. If a building addition or modification, will affect drainage, the homeowners are required to provide the ACC a plan that details drainage patterns and runoff as a result of the addition/modification. Changes to drainage patterns that negatively affect adjacent properties must be corrected regardless of prior ACC approval. All additions, structures, landscaping, grading and drainage must also comply with Orange County ordinances.

**Architectural Control Committee approval is NOT required for the following:**

- a. Properly installed storm doors that are full height glass without cross members, matching in color to existing door or trim in color with narrow stiles (3 inches or less). Other colors or other style doors require submission of an ACC request for approval.
- b. Properly installed white pre-finished, (or color consistent with the house trim), aluminum gutters do not require approval. Other colors or materials require submission of an ACC application for approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission of an ACC application for approval is required.
- c. Gutter covers.
- d. Replacement of shutters of similar style, size and color of existing.

## Section 2.03 – Fences & “Invisible” Fences

It is the homeowner’s responsibility to ensure that all fencing complies with both Orange County ordinances and ACC guidelines and standards. The homeowner shall obtain an Orange County Zoning Compliance Permit, when required, when erecting a fence.

Positioning of fencing close to your property line requires very accurate measurements using established points of reference. Because of this fact, it is **recommended** that you have a professional site survey done to establish the location of your actual property line for fence placement.

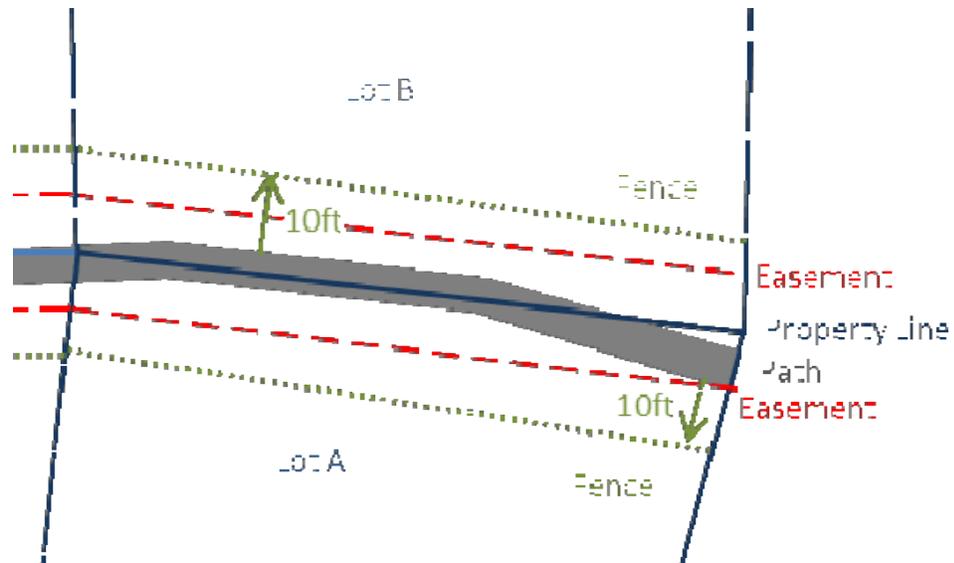
### **Appearance:**

1. Wood fences may remain natural in color but shall be either water sealed or stained one of the following colors; redwood, redwood natural tone, or cedar, cedar natural tone without additional approval. All other colors or finishes requiring ACC approval. Metal fences must be black.
2. Fences shall be erected such that the aesthetically pleasing side with pickets/boards face outwards, toward neighboring properties (e.g. toward the street) and rails/slats facing inward towards the homeowner’s yard.

### **Location:**

3. . Back or side yard fencing shall follow the natural topography of the land and shall not extend more than ten feet forward from the rear corners of the house in a direction toward the front street.
4. Front yard fencing is prohibited.
5. Existing trees over 3” in diameter shall not be removed to place the fence without prior approval from the Architectural Control Committee. If trees greater than 3” in diameter need to be removed, then the homeowner must submit an ACC application showing exactly which trees they would like to remove and why. Do not start yard clearing work for a fence until you have a signed and approved ACC application.
6. The setback (see note below) for fencing from the homeowner’s property line shall be as follows:
  - a. **For lots without a trail easement: exactly one inch on sides and one inch from the rear.** Other distances from the rear of the lot shall be considered on a case by case basis.
  - b. For lots that back up to a street: exactly one inch on sides and 15 feet from the rear.
  - c. For corner lots: restricted to no further from house than the Side Street Set Back (See Section 2.00 for definition).
  - d. For lots with a trail easement: on either rear or side easements & paths, fence shall be no closer than 10 feet from the closest edge of the path or 15 feet from the property line if a path has not been built (See diagram below).

Note(\*): ACC waivers for alternative side or rear setbacks may be granted, on a case-by-case basis when large trees, obstacles or steep terrain interfere with placement.



**Trail Easement Lot Fence Placement**

7. An "Invisible" Electronic Pet Fence shall be installed to meet minimum setbacks from your property lines. Front: 6 feet from the curb edge or from the sidewalk edge nearest the front yard. Sides: 6 feet from the property line or if a curb edge or sidewalk is present, the edge nearest the yard. Rear: 6 feet from the rear property line. If a trail easement exists on any side, then it shall be at least 6 feet from the edge of the trail.
8. Any fences to be placed in any easements require pre-approval in writing from both Orange County and the easement utility holder.
9. The Architectural Control Committee shall determine the final placement of all fences based on aesthetics and street appearance.

**Materials:**

10. Fences shall be constructed of #2 or better pressure treated yellow pine or aluminum welded panels with black powder coat finish. All fasteners are to be black, galvanized or silver in finish and resist long term corrosion (e.g. galvanized steel, stainless steel or aluminum).
11. All hinges and latches are to be black.
12. Vinyl or plastic fences are not allowed.

**Requirements:**

13. Fences shall be no taller than five feet (60") high and no shorter than three feet (36") high. Scalloped fence styles shall be no taller than five feet (60") high at their peak. Posts may extend no more than 4" above the maximum picket height.

14. To allow airflow and light, wood pickets shall be spaced between 1” and 2” apart.
15. All fences shall be one of the six styles pictured in Table I. Please state which of the numbered styles shown in the picture that you propose to build on the ACC Request Form.
16. All fences shall have at least one front gate, at least 3 feet wide across, for access. If the owner is unable to access part of their property without crossing through an adjacent property (e.g. a rear yard where the fence does not go to the rear property line), then a walk-through gate, at least 3'-0” wide, on that section shall also be required. \*Please show the size and exact locations of all gates on your ACC application.
17. All fencing must be maintained in an “as new” aesthetic and safe condition.
18. All fence setback distances shall be indicated from your property line on your Plat.
19. Include a completed copy of the “*FENCE APPLICATION SUPPLEMENTAL QUESTIONNAIRE*”.

**Architectural Control Committee approval is NOT required for the following:**

20. “Invisible” Electronic Pet Fences which meet the established guidelines and standards in this document (Section 2.03, #7) do not require pre-approval. **All other fence types require ACC approval.**

**Approved Fence Styles shown in Table I (next page).**

**Please Select one style and record the style number [1 – 6] on your ACC application.**

**Fence Styles (Table I)**



**Style 1 – Spaced Picket with Exposed Posts**



**Style 2 - Spaced Picket with Recessed Posts**



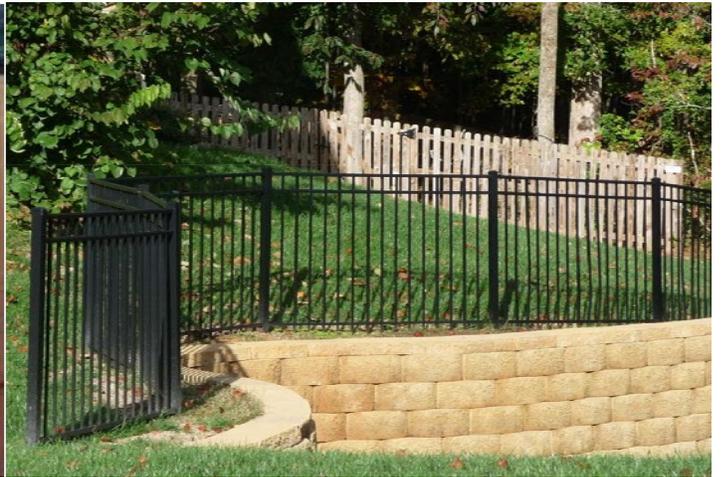
**Style 3 – Shadow Box**



**Style 4 – Lattice Top (Lattice height is 15" max.)**



**Style 5 – Scalloped**



**Style 6 – Metal Estate**

## Section 2.04 - Parking Pad & Driveways

All parking pads or driveway plans (new or modifications) must be submitted to the ACC for approval prior to installation or modification. The homeowner shall obtain any Orange County Zoning Compliance or Building Permits when adding any new impervious surface to their property.

### **Appearance:**

1. Parking Pads and driveways shall not dominate the front appearance of any house.
2. They shall remain natural concrete in color.

### **Location:**

3. Parking Pads shall be on the side of the house.

### **Materials:**

4. In order to maintain a uniform style, concrete is required for all Parking Pads / Driveways. Parking pads and driveways shall NOT be made of any other material (including, but not limited to: rock, shell or asphalt).

### **Requirements:**

5. All Parking Pad changes/additions shall maintain proper drainage on the site and [must adhere to the projects approved requirements for impervious calculations for the site]. Changes to drainage patterns that negatively affect adjacent properties shall be corrected regardless of prior ACC approval. As with all projects, it is the responsibility of the homeowner to also comply with all Orange County, permit, approval codes, ordinances and standards.

### **Architectural Control Committee approval is NOT required for the following:**

6. Replacement of damaged existing driveways or parking pads with the same, does not require pre-approval. If you are increasing the area of an existing drive or adding a new drive or parking pad to your property, then you must submit an ACC request.

## Section 2.05 - Walkways and Patios

### **Appearance:**

1. Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios, walkways and that of the adjacent yard shall preserve the original water run-off (drainage) flow pattern and shall not cause excessive water to be directed to a neighboring property or to a structural foundation.

### **Location:**

2. Patios shall be confined to the rear yard and extend no more than 10 feet into the side yard from the rear yard.
3. The patio size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site.
4. All walkways and patios shall be a minimum of 10' from property lines. Lot size and configuration may permit reduction of the 10' setback in some instances.
5. Walkways are allowed to connect to the Churton Grove trail system.

### **Materials:**

6. Materials and colors chosen shall complement the existing structures.
7. Brick, concrete, concrete pavers, flagstone, pea gravel and slate are acceptable materials.
8. All walkways from the front of the house to the street, sidewalk or driveway must be concrete to match existing walks and driveways.

### **Requirements:**

9. All patios and walkway changes/additions must maintain proper drainage on the site and must adhere to the projects approved requirements for impervious calculations for the site.
10. All walkways and patios shall be reviewed and approved by the ACC prior to construction, regardless of location.

### **Architectural Control Committee approval is NOT required for the following:**

11. None. All must be submitted to the ACC for approval

## Section 2.06 - Landscaping

### **Definitions:**

Natural Area/Landscaping Bed	Any area with ground cover other than grass.
Flower Bed	Any grouping of flowers not contained in a natural area or landscape bed.
Garden	Any area used to grow vegetables or herbs.
Water Feature	Natural or prefabricated body of water less than 6" deep or less than 15 square feet of surface area.
Pond	Natural or prefabricated body of water greater than 6" deep and greater than 15 square feet of surface area. Ponds are prohibited in Churton Grove.

### **Appearance:**

1. Natural area and landscaping beds shall be made in proportion to the home and property.
2. All landscaped areas shall be maintained to prevent overgrowth of individual plants, algae or weeds.
3. Landscaped areas shall be mulched regularly to improve appearance and aid in maintenance.
4. Edging around the bed or natural area may be used, but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community.
5. Plants located in a private garden shall not exceed 5'-0" in height. Screening of all vegetable garden areas is required through the use of fencing or shrubs to eliminate views from the street, adjacent homes or common areas. These areas should not be visually offensive to neighbors. Please refer to the architectural standards regarding fencing for more information. Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth.
6. All trees on an owner's property must be maintained and pruned to remove debris and damaged limbs due to wind, decay, disease or ice damage as necessary.

### **Location:**

7. Landscaping and small plantings in easements is permissible, but with the full understanding that any plantings may have to be removed for utility work or maintenance in that easement without any liability on the part of the Association or the utility company. It is the homeowner's responsibility to check with Orange County AND the holder of the easement before planting anything in the easement.

8. Natural areas and landscaping beds may be utilized in the front, rear and side yards.
9. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total area available for the front yard if grass is also a part of the design plan.
10. For Corner Lots, grass is required for 5 ft from the side street curb or sidewalk in the Side Street Set Back Area.
11. Mature plant size shall be considered in determining location near property lines and the plantings set back sufficiently to account for mature growth.
12. Vegetable and herb gardens shall be confined to the rear yard unless inadequate sunlight is available for plants then a side yard will be considered. All gardens shall be shielded from view from public streets and common areas.
13. Water features shall be located a minimum of 20 feet from the street curb edge, public sidewalk or property line.
14. New trees shall be located away from foundations, drives or walkways to limit potential damage caused by root growth.

### **Materials:**

15. Approved mulching materials are pine straw, hardwood or bark mulch, rubber mulch (black or brown in color only) and gravel.
16. Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, precast concrete edging, black plastic edging or metal edging (green or brown in color). **Railroad ties are prohibited.** Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site. To maintain the natural aesthetic beauty of the neighborhood, the ACC will typically only approve natural colors in landscape edging. Normally, edgings are only one level high and multiple levels of landscape timbers or other materials would normally be considered as a retaining wall under Section 2.11.

### **Requirements:**

17. Landscaping applications must provide "common" variety names of plants that are to be used. Beds and plants should be indicated on a plot plan with dimensions shown.
18. All landscaping must maintain proper drainage on the site. Changes to drainage patterns that negatively affect adjacent properties must be corrected regardless of prior ACC approval.
19. Healthy trees greater than 3 inches in diameter at 5' above ground to be removed shall be shown on a plot plan, photos provided and the reasons for removal must accompany the application prior to tree removal.
19. Tree removal may be made where the tree(s) present a clear and present danger as a result of wind, ice damage, disease or decay. The ACC must be notified within 24 hours after removal with photos

of the damaged tree(s).

20. Architectural Control Committee approval is required for the addition of new planting beds, new trees, shrubs, water features, gardens, removal of healthy trees exceeding 3" in diameter and any other landscaping not listed below.

**Architectural Control Committee approval is NOT required for the following:**

21. Flowers planted in existing beds.
22. Shrubs less than 6'-0" in height or which are of a diameter at maturity where they will be contained within an existing bed.
23. Shrubs less than 6'-0" in height at maturity and used as a cover for the foundation, fence, garbage can screening, deck or HVAC equipment.
24. Shrubs located in existing natural areas and located > 6' from property line.
25. Ground cover in existing natural areas.
26. Ground cover in existing landscaping beds.
27. Mulching with pine straw, hardwood or bark mulch, rubber mulch (black or brown in color only) or gravel in an existing bed or area under your home's deck or porch.
28. Replacement of existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants or tree in the same location.
29. One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, precast concrete edging, black plastic edging or metal edging (green or brown in color) to an existing bed or natural area. **Railroad ties are prohibited.**

## Section 2.07 - Satellite Dishes and Antennas

The Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community that are consistent with the Federal Communications Commission (FCC) ruling, 47 C.F.R. Section 1.4000, effective October 14, 1996.

### **Location:**

1. Antennas or Digital Broadcast Satellite (DBS) dishes shall be located in a place shielded from view from the street or other lots to the maximum extent possible; provided, however, that nothing in this guideline would require installation in a location from which an acceptable signal quality cannot be received.
2. Antennas / Satellite dish shall not encroach upon common areas or any other owner's property.
3. The preferred location for satellite dishes is in the rear or side yard. The front yard is permissible only when an acceptable signal quality cannot be obtained by installing the antenna in the rear or side yards first. For front yard installations, we suggest suitable four-season screening be used to shield the item from street view.
4. Antennas or Satellite dishes may not obstruct a driver's view of an intersection or street.

### **Requirements:**

5. DBS and/or MMDS antennas that are one meter (39.37") or less in diameter or diagonal may be installed. Antennas larger than one meter are prohibited.
6. All antennas not covered by the FCC 47 C.F.R. Section 1.4000 rule require ACC Approval.
7. Outside installation of an antenna used for AM/FM radio, amateur ("ham") radio, Citizen's Band ("CB") radio or Digital Audio Radio Services ("DARS") require ACC approval.
8. Masts supporting antennas which extend more than 12 feet from the ground or roofline, require ACC approval for safety purposes.

### **Architectural Control Committee approval is NOT required for the following:**

9. ACC approval is not required for satellite dishes and antennas that meet our requirements. All others must be submitted for approval.

## Section 2.08 - Exterior Free-Standing Detached Structure

Examples of exterior free-standing detached structures include storage sheds, garages, workshops, gazebos, playhouses, doghouses, greenhouses and arbors. If you are not sure what the ACC considers to be a free-standing structure, please contact the ACC via email at: [acc@churtongrove.org](mailto:acc@churtongrove.org). The ACC reserves the right to reject applications, even though they meet the County requirements, but fail to meet the aesthetics objectives of the HOA.

### **Appearance:**

1. The Architectural Control Committee will review materials, colors, location, scale and massing of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites.
2. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This “style” incorporates the scale, materials, and details, massing, color and design intent of the original structures.

### **Location:**

3. All exterior freestanding detached structures shall be confined to the rear yard. The minimum setback requirement from the property line is 15 feet.
4. The placement of doghouses and playhouses must also take into consideration safety concerns, noise minimization, and not be visually offensive to neighbors or public areas. “Visually offensive” shall be judged by the ACC applying a standard of reasonable objectivity rather than just the subjective views of neighbors.

### **Materials:**

5. Materials for use on any detached structure shall meet or exceed the materials used in construction of the original structure.
6. Compliance with the current edition of the Orange County building codes shall be considered meeting the “minimum” standards of construction. The ACC reserves the right to require homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure.
7. Siding used on garages, sheds or workshop type structures should be horizontally applied fiber cement siding to match the home.
8. Metal storage, carports or resin/plastic structures are strictly prohibited.

### **Requirements:**

9. Free standing structures must be securely anchored to the ground.

10. All exterior freestanding structures shall maintain proper drainage on the site. Changes to drainage patterns that negatively affect adjacent properties must be corrected regardless of prior ACC approval.
11. If electrical service will be provided to the detached structure, it must comply with all applicable electrical codes and regulations. Overhead service is not permitted in Churton Grove.
12. All external detached freestanding structures must comply with all applicable Orange County regulations, ordinances impervious limits, permit requirements and inspection requirements. Additionally, the homeowner may be required to obtain an Orange County Zoning Compliance Permit (UDO Article 2; Section 2.4) before starting work or installing most sheds or buildings. Contact Orange County's Planning & Building Departments for more information.

**Architectural Control Committee approval is NOT required for the following:**

13. None. All must be submitted to the ACC for approval.

## Section 2.09 - Exterior Painting

### **Appearance:**

1. All exterior paint colors shall be consistent with the initial paint application (unless approved by the ACC) to maintain continuity with the surrounding homes.

### **Location:**

2. Exterior siding, shutters, trim and doors.

### **Materials:**

3. Siding paint shall be only a flat, egg shell or satin latex type of paint (no semi-gloss or gloss type paints are permitted). Trim paint may be semi-gloss.

### **Requirements:**

4. Any changes to the original exterior paint colors must have ACC approval.

### **Architectural Control Committee approval is NOT required for the following:**

5. Repainting with the same color does not require ACC approval.

## Section 2.10 - Exterior Lighting

### **Appearance:**

1. Exterior lighting fixtures must be compatible with the architectural character of the neighborhood and the structure.
2. Lamp posts or any lights on posts higher than 24" must be submitted to the ACC for approval.
3. "Temporary" holiday lighting does not require approval from the ACC, however, such "temporary" lighting and any associated wiring must be removed within a reasonable time period after the holiday. A reasonable time period is defined as within 3 weeks after the holiday is over.

### **Location:**

4. House-mounted flood lights and spotlights should be limited to rear and side of the home.
5. Ground mounted flood or spot lights are allowed in the front yard to illuminate the front façade of the home.
6. Owners should control the source and spread of the light beam to avoid intrusion into adjacent property owner's homes.

### **Materials:**

7. Include a materials list including a picture or brochure of the proposed fixtures with the application.

### **Requirements:**

8. Beam spread from all light sources should be confined to the homeowners lot.
9. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that spotlights and floodlights do not cause dangerous safety hazards.
10. All lamppost installations must be approved by the ACC.
11. All electrical installations must be in accordance with all applicable electrical codes and regulations.
12. Home owners may be requested to take corrective action if light is intruding to adjacent properties.

### **Architectural Control Committee approval is NOT required for the following:**

13. Approval is not necessary for replacement of current light fixtures with a similar type and style.

14. Low voltage accent lighting, less than or equal to 24" in height, confined to planting beds or along walkways.
15. Low voltage accent lighting on decks.
16. House-mounted flood lights and spotlights on the rear or side of the home.
17. Ground mounted flood or spot lights in the front yard to illuminate the front façade of the home.

## Section 2.11 - Retaining Walls

### **Appearance:**

1. The ACC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site. Materials and colors chosen should complement the existing structure on the site.

### **Location:**

2. Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Include the dimensions of the wall(s) and all distances to the house and property lines. Consideration will be given to changes in the natural topography and existing drainage patterns.

### **Materials:**

3. Building materials such as stone, slate, brick, decorative concrete block and pressure treated timbers are acceptable materials. **Railroad ties are prohibited.**

### **Requirements:**

4. All retaining walls must maintain proper drainage on the site. Changes to drainage patterns that negatively affect adjacent properties must be corrected regardless of prior ACC approval.
5. All retaining walls must be properly secured to prevent collapse and must meet all applicable Orange County requirements. Retaining walls shall be no higher than 12 feet tall. Any retaining wall over 30 inches in height shall be properly anchored.
6. The homeowner is responsible for conformity to all Orange County ordinances, standards and permit requirements including: the construction, impervious surface area, drainage and minimum property setback requirements.

### **Architectural Control Committee approval is NOT required for the following:**

7. None. All must be submitted to the ACC for approval.

## Section 2.12 - Pools & Hot Tubs

### **Appearance:**

1. Minimize the visual impact from a public way or adjoining property.

### **Location:**

2. All pools and hot tubs should be confined to the rear yard and screened from street view.

### **Materials:**

3. All pools and hot tubs will be reviewed for materials and color. Hot tub sides should be earth-tones or complement the home siding color.

### **Requirements:**

4. Installation must meet or exceed all applicable codes, regulation, ordinances, permit requirements and inspection requirements of Orange County. The Orange County standards are the minimum standards and Churton Grove requirements may exceed those standards.
5. All pools and hot tubs must maintain proper drainage on the site. Changes to drainage patterns that negatively affect adjacent properties must be corrected regardless of prior ACC approval.
6. Water from the pool or hot tub may be drained into the storm drainage system. Care should be taken to contain water from spilling over onto adjacent properties.
7. All pools shall be in compliance with Orange County building, zoning and ordinances & codes.
8. Pools and hot tubs may require additional screening based on the location on the lot to provide visual screening from the street, adjacent property owners or public ways.
9. Pumps and other machinery related to the pool, pond or hot tub shall be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots.
10. All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.
11. Homeowners should understand that pools increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent homeowners. In addition, homeowners must also comply with current Orange County noise ordinances.

### **Architectural Control Committee approval is NOT required for the following:**

12. None. All must be submitted to the ACC for approval.

## Section 2.13 -Flags & Banners

### **Appearance:**

1. Flags may be attached to porches and should not be excessive in comparison to the entrance and from porch itself.
2. "Temporary" holiday flags & banners do not require approval from the ACC. However, such "temporary" flags & banners and any associated structures must be removed within a reasonable period after the holiday. A reasonable time is defined as within 3 weeks after the holiday is over.

### **Location:**

3. They should not breach roof line or flow completely to the ground.
4. Free standing Flag poles are strictly prohibited.

### **Materials:**

5. Flag holder should complement the color of the home.

### **Requirements:**

6. Any flag larger than 3ft by 5ft requires ACC approval.

### **Architectural Control Committee approval is NOT required for the following:**

7. Any flag 3 ft by 5 ft or smaller, pole-hung and mounted to porch column.

## Section 2.14 - Holiday Decorations

### **Requirements:**

1. Holiday decorations and lighting are considered “temporary” decorations and must be removed within 3 weeks after the end of the holiday.
2. Holiday decorations with sound should be limited to reasonable hours to limit any potential conflict with adjacent homeowners. In addition, homeowners must also comply with current Orange County noise ordinances.

### **Architectural Control Committee approval is NOT required for the following:**

3. All holiday decorations are considered pre-approved.

## Section 2.15 - Mailboxes

### **Appearance:**

1. All homes will be provided with the Kingsmill style mailbox by Carolina Mailboxes, Inc. These are the only style approved by the ACC for single family residential homes.
2. All numbers (3" gold) must be visible on the boxes. Only temporary (no more than 3 months) seasonal mailbox decorations are permitted. No obscene, offensive, religious, political material is permitted.
3. Mailboxes and post should be kept in good repair with paint and appearance maintained in like-new condition.

### **Location:**

4. Mailboxes are to be located next to the driveway, adjacent to the street.

### **Requirements:**

5. Kingsmill style box by Carolina Mailboxes, Inc. Their contact information: Carolina Mailboxes, Inc. 327 West Tremont Avenue Charlotte, NC 28203; Phone (704) 334-3393; <http://www.carolinamailboxes.com>.

### **Architectural Control Committee approval is NOT required for the following:**

6. All mailbox replacements that meet the above requirements are considered pre-approved.

## Section 2.16 - Playground and Recreational Equipment

### **Definitions:**

**Playground or Play Equipment:** Playhouses, swing sets, slides, sandboxes, tree houses, “forts” and similar items are classified as playground or play equipment for the purposes of this guideline.

**Recreational Equipment:** Basketball goals (fixed and portable) and courts, trampolines, horseshoe pits, permanent volleyball courts, batting cages, skate board ramps, and similar items are classified as recreational equipment for the purposes of this guideline.

### **Appearance:**

1. Playground and recreational equipment should blend with the natural surroundings to the extent possible.

### **Location:**

2. With the exception of basketball goals, recreational equipment shall be placed in the rear yard a minimum of 15' from property lines.
3. For corner lots, playground & recreational equipment is prohibited in the “Side Street Setback Area” (See definition in Section 2.00).
4. The location of playground or recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.
5. Basketball goals may be placed in the front yard driveway (adjacent to or attached to a garage) as long as it is at least 40' from the front street. For corner lots with driveways from the side street, basketball goals may be placed in the side yard driveway (adjacent to or attached to a garage) as long as it is at least 20' from the side street. Fixed basketball goals that are to be located in the rear yard shall be 15' from property lines.
6. Portable basketball (or other) goals may be placed at the front of cul-de-sac lots with ACC approval if the following conditions are evaluated and determined to be in compliance:
  - A. Placement does not cause undo restriction to traffic flow or guest parking.
  - B. Placement does not create a significant risk to people or property while goal is in use due to slope, width of playing area, or nearby obstacles, terrain, sidewalks or trails.
  - C. As part of the approval process, the affected neighbors will be contacted in confidential communication as to their opinions.
  - D. Homeowner must not block any mail box for USPS delivery (must be at least 8 feet away from any mail box for truck to deliver).
  - E. Homeowner accepts all risk, liability, responsibility and any injuries that might occur because of their basketball goal or game play.

- F. Homeowner will insure basketball goal will be maintained (not broken, leaning, ripped nets or other aesthetic issues).
- G. Homeowner will not place goal in front of any other homeowners' property or common property.
- H. Placement will not violate any department of transportation rules or laws.
- I. HOA is not responsible for any damage to goal.

If such occasion arises that conditions A, B, or F do not continue to be met, the ACC can revoke the approved application at any time and the goal removed within 30 days.

- 7. Basketball goals located by driveways must be placed to avoid balls striking vehicles, landscaping or other items on the adjacent property.

**Materials:**

- 8. Playground equipment such as swing sets, sandboxes, tree houses, and "forts", shall be constructed of treated natural wood. Other material choices will be reviewed.

9. For tree houses or standalone playhouses greater in size than 6ft x 6ft or 36 square feet, refer to Section 2.08, Free-Standing Detached Structures for requirements.
10. Playground equipment made of any type of metal structure is strictly prohibited.

**Requirements:**

11. Wood may remain natural in color but must be water sealed or may be stained one of the following colors: redwood, redwood natural tone, or cedar natural tone without approval. All other colors need ACC approval.
12. Equipment shall be properly anchored.
13. For playground or fixed recreational equipment, detailed drawings shall be presented to the Architectural Control Committee for approval prior to the installation.
14. Playground equipment shall not exceed 200 square feet in total [area](#) and shall not be higher than 12 feet.

**Architectural Control Committee approval is NOT required for the following:**

15. Recreational equipment that is not fixed to the ground **AND** complies with the above guidelines and standards is pre-approved. All other types require ACC approval.
16. All Playground equipment must be submitted to the ACC for approval.

## Section 2.17 - Grills, Outdoor Fireplaces and Fire Pits

### **Appearance:**

1. They shall be of color, materials and scale that complement the home.

### **Location:**

2. All grills, fireplaces, and fire pits should be placed in the rear yard, behind the rear line of the house. They should not be placed within 20 feet of the side and rear property lines. Portable Grills shall not be placed in the driveway but confined to the rear yard.

### **Materials:**

3. To be constructed with fireproof rated materials such as stone, metal, brick, or tile.

### **Requirements:**

4. All permanent grills, fireplaces, and fire pits must be reviewed and approved by the ACC prior to construction.
5. The homeowner shall be responsible for obtaining and meeting all Orange County permits and ordinance requirements, especially when establishing or modifying gas line/service.

### **Architectural Control Committee approval is NOT required for the following:**

6. Portable gas & charcoal grills and/or portable fire pits do not require ACC approval, but shall comply with the standards in this section. For this specific guideline, portable shall be defined weighing less than 250 pounds.

## Section 2.18 – Garbage Can Screening

The Master Covenants (Article VI, e) require garbage cans & recycle bins to be out of view from the street at the front of the home. Placing the garbage cans/recycling bins in the rear yard behind the house or in the garage shall satisfy the covenants. This section covers options for screening from view from the street. Screening can be accomplished with approved evergreen landscaping (see Section 2.06) or with fencing. Evergreen landscaping is the preferred option for screening.

### **Appearance:**

1. Materials and colors shall complement the existing structure and trim on the site.
2. The screening shall be no larger than what is required to properly screen the garbage cans and/or recycle bins from the view of the street.

### **Location:**

3. The side or rear of the house.

### **Materials:**

4. . Shrubs (specifically, evergreens, refer to Section 2.06) may be used for screening. Shrubs must be tall enough at time of plant to screen.
5. For fence type screens, they shall be built with pressure treated wood, wood lattice, or fence pickets and finished in a color to match the adjacent house trim.

### **Requirements:**

6. All fence type screening must be properly secured to prevent collapse and must meet any applicable Orange County requirements. It shall have a height limit of no more than five (5) feet high at the tallest point and a minimum of three (3) feet but must be tall enough to properly screen. The width should be no wider than necessary to provide screening coverage of the garbage cans from the street.
7. The homeowner is responsible for complying with all Orange County ordinances, standards, zoning and permit requirements. All fence type screening of garbage cans and/or recycle bins require ACC approval.

### **Architectural Control Committee approval is NOT required for the following:**

8. Evergreen shrubs less than 6'-0" in height at maturity used as a cover or screening for garbage cans require no ACC approval.

## Section 2.19 – Rain Barrels

Rain barrels are normally restricted to the house's rear downspouts. Placement on the front or side portions of the house require ACC approval. When considering rain barrels for ACC approval, the color, size and decorative nature of the rain barrels will be considered as well as any screening used when reviewing locations on the front or sides of the house.

**Location:** Rain barrels should be attached to the downspouts located at the rear of the house. Any other locations require ACC approval.

**Architectural Control Committee approval is NOT required for the following:**

1. Rain barrels placed on the rear corners of the house do not require ACC approval. ALL other locations must be approved by the ACC.

## **Section 2.20 – Solar Panels**

All solar panel installations will be approved on a case-by-case basis. A plot plan showing roof placement is required.

## Section 3.0 - Maintenance

### Appearance:

1. It is the responsibility of each homeowner to maintain their property in a way that it adds to the overall beauty and harmony of the subdivision. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of your own property, surrounding properties, and the subdivision as a whole.

### Requirements:

2. Your property should be inspected regularly to insure it is being properly maintained. This includes, but is not limited to:
  - a. Lawn Care – cut on a regular basis; minimal bare areas in grass areas, relatively free of weeds.
  - b. Trimming of trees and shrubbery – dead limbs should be removed.
  - c. Landscaping – kept trimmed and neat.
  - d. Mailboxes – paint in good condition with defect free numbers.
  - e. Decks - all decks must be maintained in an “as new” aesthetic and safe condition.
  - f. Fences - all fencing must be maintained in an “as new” aesthetic and safe condition.
  - g. Driveways and Sidewalks – any area breaking up, heaving, sinking or spalding shall be repaired or replaced.
  - h. Playground & recreational equipment - all must be maintained in an “as new” aesthetic and safe condition.
  - i. Paint - all painted surfaces must be maintained in an “as new” aesthetic and clean condition.
  - j. Roofing - must be maintained in good aesthetic and safe condition.
  - k. Garbage Can & Recycling Bin Storage – store out of sight from view from the street.
  - l. Debris and Trash Removal – outside storage of materials shall not remain more than 30 days.
  - m. Trail System – shall be cleaned of leaves and branches on a weekly basis
3. The burning of leaves for purpose of disposal in Churton Grove is **strictly prohibited**. This does not restrict the burning of wood in outdoor fire pits and fireplaces. **Fines will be imposed for violations.**
4. Miscellaneous materials shall not be stored or left outside on any part of the lot for more than 30 days.

### Enforcement Action of Maintenance Violations:

1. If at any time the Board of Directors, ACC or the property management company is notified in writing of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the property management company will be requested to make a site inspection.

2. Where appropriate, paid professional or technical assistance may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the need for such an investigation.
3. All complaints received in writing alleging maintenance violations shall be reported to the Management Company. The Management Company or the ACC will investigate these alleged violations. If warranted, violation notice letters will be sent to the homeowners.
4. Verbal notification will not be accepted.
5. All violations shall require a formal, comprehensive investigation with full documentation of any actions to be taken.
  - a. The Management Company or the ACC shall make visual observations of the alleged violation with photographs taken, where possible. Interviews of the owners involved may be conducted, but at least two members of the ACC should be present and any statements made or opinions expressed during the interview will not be binding on the ACC.
  - b. The Management Company or the ACC shall present the findings and recommend actions to the Board.
  - c. The Management Company or the ACC will then formally notify in writing the homeowner of the corrective actions to be taken. Based on the severity of the deterioration or neglect, the homeowner will be given a specified period of time in which to make the necessary repairs.
  - d. If, after the specified period of time, the repairs have not been completed to the satisfaction of the ACC, the ACC has the obligation to enforce the neighborhood CCRs and ACC Guidelines, Standards & Procedures by asking the Board to take enforcement action.
6. As per HOA Covenant, Article VII, "Fines & Suspension of Rights", homeowners may request a formal hearing before the Board to contest any violations.

## **Architectural Control - Section 4.00**

### **Procedure for Requesting ACC Review & Approval**

## Section 4.01 – ACC APPLICATION INSTRUCTIONS

### Step 1

1. Prior to any alteration, addition or improvement, the property owner shall complete and submit the current revision of the “**Architectural Control Committee Application Request Form**”. Special attention should be given to the applicable sections in the Architectural Control Standards & Guidelines for specific information needed for the proposed improvement, addition or alteration. All parts of the form shall be completed and all pertinent information shall be included in the submittal. Only current property owners in good standing with the HOA, can submit an ACC application form. Forms from non-residents shall be denied.
2. A copy of the ACC application form along with the current ACC Guidelines & Standards can be requested from the Management Company or can be downloaded at the Churton Grove website ([www.churtongrove.org](http://www.churtongrove.org)) under the ‘Documents’ menu tab. It is the homeowner’s responsibility to be aware of and use the most current forms and guidelines. Failure to do so shall result in the application form being denied.

### Step 2

1. The property owner must send the completed application form (if emailing, use Adobe PDF format only and keep the file size under 10 Megabytes) along with any attachments or supporting documents required by the ACC Standards to the Management Company for processing.
2. Applications can be mailed or e-mailed ([acc@churtongrove.org](mailto:acc@churtongrove.org)) directly to the Management Company. The email and mailing address is on the application form.
3. **Applications should not be submitted directly to any individual members of the ACC or the Board of Directors.**
4. Please insure that you fill out and complete the entire application form and include as much detail as possible with all dimensions and setbacks clearly shown along with a copy of your Plat (Site plan). Note: Applications which are incomplete will not be processed by the ACC and automatically administratively denied. Homeowner’s are responsible for providing all of the requested information to the ACC.

### Step 3

1. The Management Company will log the date of applications received by mail. Applications received by e-mail will be considered marked electronically. The Management Company will then copy and distribute the application to the Architectural Control Committee for initial screening to insure it is complete.
2. **Homeowners are responsible to verify the receipt of the application. The HOA is not responsible for lost or misaddressed requests.**

### Step 4

1. Upon receipt of a new ACC application, the ACC will initially screen each application for completeness. If the application is found to be complete, then the application will be sent to the

committee members to review and vote on. If found to be incomplete, then the ACC will attempt to obtain the needed information from the homeowner to complete the application. If after review, the Committee needs further clarification on a specific application, the homeowner will be contacted by the ACC asking for more details of the project or to provide answers to their specific questions. If the ACC committee's questions are not satisfactorily answered within the review period, the application may be denied as incomplete.

2. Incomplete Applications: If within 15 days from receipt, the ACC Chairman is unable to obtain all of the needed information to review the application, then the application will be automatically denied. Applications submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the applicant. Any calculation of time concerning the processing of an application will not start until the application is determined to be complete by the ACC Chairman.
3. Upon receipt of a **complete** ACC application, the ACC will review the application and has thirty (30) days from the receipt of a verified complete application to approve or deny it and to notify the homeowner of its decision.

### **Step 5**

1. Upon the Committee's decision on an application, the ACC Chairperson will notify the property owner and will forward a copy to the Management Company.
2. If approved, the homeowner can begin the project. In the case of an administrative denial for insufficient information, the information still needed shall be listed on an appropriate form and provided to the homeowner. The homeowner can then submit a new application through the same process for review.
3. If denied, the reasons and/or requirements will be listed in the notification to the original request. A property owner who is not satisfied with the Committee's decision on an application may, (a) submit a new application (should the property owner want to resubmit another application; the thirty (30) day process starts again with each submittal) or (b) appeal the Committee's decision to the Board of Directors.

### **Notes:**

1. Questions? You can send an email to: [acc@churtongrove.org](mailto:acc@churtongrove.org) with your question.
2. To further define Article V, Section 3 of the Covenants, the term "commencement" is defined as the date that the application is approved by the ACC. All work shall be completed within a twelve (12) month period from the approval date.
3. **IMPORTANT: Prior to beginning any project requiring digging or excavation, North Carolina state law requires you call North Carolina One Call (<http://nc811.org>) by dialing 811 to mark existing utility lines.**
4. The ACC reminds homeowners that the homeowner is responsible for complying with all Orange County ordinances, zoning, codes, compliances, permits or meeting any minimum standards set.

# Section 4.02 - ACC Application Request Form

## (Revision 3.2)

Homeowner Name(s): \_\_\_\_\_  
 Street Address : \_\_\_\_\_  
 Phone : \_\_\_\_\_ (H); \_\_\_\_\_ (W); \_\_\_\_\_ (C).  
 Email: \_\_\_\_\_

Please print/type clearly and **check off** (✓) the improvement you would like to make below. Include all of the required information or the request may be denied as incomplete.

**Required Information and Attachments to Process An Application Include:**

1. **Survey Plot Plan (Plat)** with improvement shown, drawn to scale, including all dimensions of the proposed improvement and distance to/from property lines.
2. **Material List:** (for landscaping requests, include lists of plants to be used with locations shown).
3. Indicate **colors** and **finishes** selected.
4. Include **scaled drawings**, brochures, photographs and other documents as needed.

	1	2	3	4	✓
Deck	x	x	x	x	
Building Addition or Exterior Modification	x	x	x	x	
Fence (*Also requires submission of the "Fence Questionnaire")	x	x	x	x	
Parking Pad	x	x	x	x	
Walkway and Patios	x	x	x	x	
Landscaping / Hedges	x	x		x	
Satellite Dish / Antenna	x	x	x	x	
Exterior Freestanding Detached Structure	x	x	x	x	
Exterior Painting		x	x		
Exterior Lighting	x	x	x	x	
Retaining Walls	x	x	x	x	
Hot Tub / Pools	x	x	x	x	
Flags & Banners	x	x	x		
Holiday Decorations					
Mailboxes					
Playground & Recreation Equipment	x	x	x	x	
Grills, Outdoor Fireplaces and Fire Pits	x	x	x	x	
Other	x	x	x	x	

**\*By signing this application, the homeowner understands and agrees that in addition to meeting all ACC guidelines and standards, it is their sole responsibility to obtain and comply with all Orange County approvals, permits, zoning, code, ordinances or meet any county standards.\***

Detailed Description & Specifications of Request: (Attach additional sheet(s) if necessary).

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Materials List: (Attach additional sheet(s) if necessary)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Please fill in the following information, as applicable, for the requested improvement:

- 1. Property line setbacks for all sides of the improvement including the left, right and rear portions. Right Side: \_\_\_\_\_; Left Side: \_\_\_\_\_; Rear: \_\_\_\_\_; Other: \_\_\_\_\_.
2. State the color and/or finish used on the materials: \_\_\_\_\_.

Homeowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For fastest response, scan the completed application form in Adobe PDF format and email the signed application with all attachments to ACC@Churtongrove.org. If you are unable to scan and email it, then please mail the completed & signed application to:

Churton Grove HOA, c/o East West Partners Club Management, 1450 Environ Way, Chapel Hill, NC 27517. \*Phone: 1-919-969-1154.



Complete Application Form Received For Review by the ACC on: Date: \_\_\_\_\_

ACC action taken:

\_\_\_\_\_ Approved; \_\_\_\_\_ Denied; \_\_\_\_\_ Administrative Denial / Incomplete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_
(Chairman, Architectural Control Committee)

ACC Comments/conditions: \_\_\_\_\_.

**CHURTON GROVE ACC FENCE APPLICATION SUPPLEMENTAL QUESTIONNAIRE**

1. Will this fence be placed on a property which is defined as a 'corner lot'? (Y/N) \_\_\_\_\_
2. Do you have a trail or utility easement on your property? (Y/N) \_\_\_\_\_
3. Are you applying for approval to install an "Invisible" Electronic Pet Fence? (Y/N) \_\_\_\_\_
4. Please include a detailed drawing showing the exact placement of the proposed fence on your lot along with the required dimensions, gate locations, property line setbacks, trails, trees greater than 3" in diameter, easements and buffers. \*We suggest you make a copy of your formal Plat and clearly draw the fence on that document with the required dimensions.
5. Please tell us which of the six fence styles shown in ACC Section 2.03, Table I (#1 – 6) you will install? Style # \_\_\_\_\_.
6. Please describe the type of material (e.g. #2 Pressure treated wood, aluminum) that the fence will be made of. \_\_\_\_\_.
7. Please state the picket spacing in inches (1 to 2" max for wood). \_\_\_\_\_.
8. Please describe the finish which will be applied to the fence (e.g. water sealer, stain, paint).  
\_\_\_\_\_.
9. Please describe the final finish color of the fence (e.g. Natural, Redwood, Cedar).  
\_\_\_\_\_.
10. What is the maximum and minimum height of the fence (in feet)? \_\_\_\_\_ Max; \_\_\_\_\_ Min.
11. If the fence will start/end next to the house, then please state the distance from the right and left rear corners of the house it will extend towards the front of the house (0 to 10 feet max).  
Right Corner: \_\_\_\_\_; Left Corner: \_\_\_\_\_.
12. Please state the property line setbacks for all sides of the fence including the left, right and rear portions of the fence. Right Side: \_\_\_\_\_; Left Side: \_\_\_\_\_; Rear: \_\_\_\_\_; Other: \_\_\_\_\_
13. Will the fence have any swing gates? If so, please state the quantity, width (in feet) and location of these on your drawing and here. Quantity: \_\_\_\_\_; Width: \_\_\_\_\_;  
Location(s): \_\_\_\_\_.
14. Will any trees be cut down to install the fence? (Y/N) \_\_\_\_\_. Note: Trees with a trunk diameter of 3 inches or less may be cut down without HOA pre-approval. Trees larger than 3 inches in diameter require pre-approval. Please show the location and quantity of any trees >3" in diameter which you plan on removing on your plan or drawing.
15. Do any of your neighbors have an existing fence which borders your property line? \_\_\_\_\_ (Y/N) If so, please show this on your property survey plan (PLAT) or drawing.

\*Please answer all questions and include this completed form with your application for a fence.

## Section 4.03 - Architectural Control Appeal Process

The following process will be followed for appeals of decisions of the Architectural Control Committee:

1. **Notice of Denial:** Upon receipt from the ACC of a final decision denying a homeowner's request, the applicant has thirty (30) days to file a Notice of Appeal of the ACC decision. Administrative denials pending more information or for other reasons are not final decisions and are not subject to an appeal.
2. **Notice of Appeal to the Board of Directors** must be filed by the homeowner in writing and mailed or emailed to the Management Company. Complete the 'ACC Notice of Appeal Request Form' and include with the Notice of Appeal, a copy of the denied application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal. Homeowners are responsible to verify the receipt of the form. The HOA is not responsible for lost or misaddressed requests.
3. **Transmittal to Board:** Upon receipt by the Management Company, the original of the Notice of Appeal and all supporting paperwork shall be filed and copies sent to the Board of Directors and the Architectural Control Committee.
4. **Hearing:** The HOA President shall schedule a hearing on the appeal within 30 (thirty) days of receipt of the Notice of Appeal. The Management Company shall notify the applicant and the chairperson of the ACC of the hearing date and time. The hearing shall begin with the ACC chairperson explaining the position of the ACC and reasons for the denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and supporters must be approved in advance by the Board. The hearing will be conducted as follows:
  - 20 minutes of presentation by the ACC
  - 20 minutes of presentation by the homeowner
  - 20 minutes for questions from the Board
5. **Decision of Board:** No decision shall be rendered at the hearing. Within fifteen (15) days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing and shall forward copies of the decision to the ACC and the applicant along with any supporting documentation.

# Section 4.04 - ACC Notice of Appeal Request Form

(Revision 3.2)

Please print/type clearly, include a signed copy of the denied application, any supporting documentation, a copy of the Committee’s decision and an explanation of the reason for the appeal. Please include all of the required information or the request may be returned as incomplete. Mail or email this form to our management company for processing.

Homeowner Name(s): \_\_\_\_\_  
Street Address : \_\_\_\_\_  
Phone: \_\_\_\_\_ (H); \_\_\_\_\_ (W); \_\_\_\_\_ (C).  
Email: \_\_\_\_\_; Date: \_\_\_\_\_.

ACC Application Denied Date: \_\_\_\_\_.

**Improvement(s) Applied For:**

\_\_\_\_\_  
\_\_\_\_\_.

**Reason for Appeal:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**HOA Board Action Taken:** \_\_\_\_\_

Appeal Received On: \_\_\_\_\_; Date of Decision: \_\_\_\_\_

**Decision of HOA Board (check one below):**

\_\_\_\_\_ Appeal Approved;  
\_\_\_\_\_ Appeal Denied.

Signature of HOA Board President: \_\_\_\_\_; Date: \_\_\_\_\_.

## Section 4.05 – Contact Information

### Churton Grove's Management Company

**Street Address, Telephone Number and Email Addresses:**

For initial questions about the ACC, the process and any status updates, please contact East West Club Property Management, Churton Grove's Management Company, at the address shown below or via email to: [clientservices@ewclubs.com](mailto:clientservices@ewclubs.com).

Churton Grove HOA  
c/o East West Partners Club Management  
1450 Environ Way  
Chapel Hill, NC 27517  
919-969-1154  
919-967-1769 (fax)

To contact the ACC directly or check on the status of a pending application, email the ACC at: [acc@churtongrove.org](mailto:acc@churtongrove.org)