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HOMEOWNER ASSOCIATION INC.

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# Architectural Control Guidelines, Standards & Procedures

Release: March, 2022

The purpose of these guidelines is so that everyone can enjoy their property to maximum benefit while maintaining an environment of safety and positive appearance that contributes to the overall property value of Chancellor's Ridge.

## Reason for reissue:

- added 2.1.8 AC Unit paragraph
- Clarified, what does and does not need approval
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# **1.Introduction**

Welcome to Chancellor's Ridge. The Board of Directors for the Homeowners Association and the Architectural Control Committee extend greetings to you as an owner in this warm and vibrant community. Chancellor's Ridge is a 175 acre Planned Density Residential District (PDR) under Durham City-County zoning laws. It is governed by a Master Declaration of Covenants, Conditions and Restrictions (the "Covenants"), a legal document filed with the Durham County Register of Deeds. The Covenants were designed to protect and enhance property values, amenities, and architectural intent and to maintain and enhance the Common Properties. As specified in the Covenants, the original developer has formed a nonprofit Homeowner's Association to manage the affairs of the Subdivision. As a property owner at Chancellor's Ridge, you are automatically a member of the Homeowner's Association.

## **1.1.ACC Purpose**

Section 5.1 of the Covenants directs the Board to appoint 3 or more members of the Architectural Control Committee (ACC) which "... shall have exclusive jurisdiction over all original construction modifications, additions or alterations made on or to lots, structures or dwelling units and the open spaces appurtenant thereto. The ACC shall promulgate design and development guidelines and specific architectural standards for all properties within the Subdivision. The ACC may provide different requirements and guidelines for different types of Lots within the Subdivision and may permit exceptions be made by the ACC for architectural merit."

## **1.2.ACC Scope of Control**

The Covenants (in Section 5.1) specify that "...no building, sign, fence, outside lighting, hedge, wall, walk, antenna, clothesline or other structure or planting, landscaping or tree removal 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 or 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. In the event the ACC shall fail to specifically approve or disapprove the plans and specifications submitted in final and complete form within forty-five (45) days after the monthly application cutoff date, such plans and specifications shall be deemed approved."

All approvals are voided if not implemented within 1 year of application approval.

## **1.3.ACC Inspection Authority**

The Covenants also state "There is specifically reserved unto the ACC, the right of entry upon any Lot for the purpose of determination by the ACC whether there exists any construction of any improvement which violate 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 make reference." Furthermore, Section 5.5 of the Covenants states "A majority of the ACC may take any action of the committee and may delegate a representative to act for it." The ACC does delegate to the Property Management Company ("Management Company") under contract to the Chancellor's Ridge Homeowners Association the right of entry upon any lot for purposes of site inspection.

## **1.4.Setback Requirements**

Section 5.4 of the Covenants specify that "Separate and apart from any owner's requirement to meet town and county setback requirements, the ACC shall in all cases have the right to determine and designate additional building set back lines necessary to conform to the general plan of Chancellor's Ridge, in order to preserve the integrity of the Property and the Subdivision Plan. In this respect the

ACC's judgement and determination shall be final and binding." In a PDR the setback requirements are set by the builder and are potentially different for each lot. The setback requirements for your lot are printed on the survey plat given to you at closing or you may contact the Durham planning office.

## **1.5.Waivers**

Section 5.8 of the Covenants specify that: "In an instance where a structure has been erected, or the construction thereof is substantially advanced, in such manner that the same violates the restrictions contained in this Declaration or any other covenants which the ACC has the power to enforce, or in such manner that the same encroaches on any easement area or setback line, the ACC reserves the right to release the property from the restriction which it violated and to grant an exception to permit the encroachment by the structure over the setback line or on the easement area, so long as the ACC, in the exercise of its sole discretion, determines that the release or exception will not materially and adversely affect the health, safety and appearance of the Properties.

The ACC has the right, but not the obligation, to grant waivers for minor deviations and infraction of this Declaration. 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 new or additional requests for such waivers."

## **1.6.Durham City-County Zoning Laws**

Durham City-County zoning laws apply to all properties in Chancellor's Ridge. They may be found at <http://www.ci.durham.nc.us/departments/planning/zoneord>. We will cite several rules here as a convenience because they apply in several places in these guidelines.

Durham City-County zoning laws in Section 8.1.1 say "On any corner lot, a sight triangle shall be maintained. The sight triangle shall be a triangle formed by extending lines from the intersections of two streets to points 25 feet from the corner of the intersecting streets and then connecting the two points. Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Generally, structures, fences, and plant materials that are more than 3 feet high shall not be allowed within the vision triangle."

Impervious Surface requirements are in Section 5.5 "Watershed Protection District Overlay" of the zoning laws. Chancellor's Ridge is in the F/J-B (Falls/Jordan) District inside the Urban Growth Area (UGA) and under the "low density option". You could calculate your allowed impervious surface area from your survey plat, but you can also have the City do it for you.

Some common areas are "buffers" according to Durham City-County zoning laws (Section 10). In addition, some lots have a "landscape easement" which is also a "buffer". Buffers provide a space to separate differing land uses. Section 10.2.1 of the zoning law says: "Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings. Selective thinning of vegetation under 1.5 inch caliper and removal of dead vegetation shall be permitted as long as the intent of the buffer requirements is maintained." Any other changes in buffers would require Zoning Board approval. Clear cutting a buffer would result in a fine by the City along with the cost of restoration.

Other zoning laws will be cited in the applicable section. The homeowner is responsible for satisfying zoning laws even if this document fails to cite an applicable one. Homeowners should be aware that new construction or additions require a permit from the City.

## **1.7.Covenants Governing Use and Behavior**

There are additional rules and regulations in the Covenants governing use restrictions such as parking rights,

hobbies, and prohibited activities. These are in Section 6.1 through Section 6.8 and will not be repeated here except for this one: Section 6.2 (e) of the covenants says: "All garbage receptacles, containers and enclosures shall be located at the rear or side of the dwelling structure on a lot out of view from the street such structure faces." Inside the garage is also acceptable.

## **2.Architectural Control Standards**

### **2.1.THINGS THAT ARE ALWAYS PROHIBITED**

#### **2.1.1.Outdoor Clothes Lines**

These are prohibited by the Covenants in Section 6.2(a).

#### **2.1.2.Above Ground Pools**

These are prohibited by the Covenants in Section 6.2(d).

#### **2.1.3.Above Ground Storage Tanks**

Tanks used to store fuel, water, or anything else are prohibited by the Covenants in Section 6.2(d).

#### **2.1.4.Chain Link Fences, Dog Runs, or Animal Cages**

Chain link fences are prohibited by the Covenants in Section 6.2(g). By implication, chain link dog runs and animal cages are also prohibited.

#### **2.1.5.Railroad Ties**

Railroad ties may not be used for any purpose outdoors.

#### **2.1.6.Metal Storage Structures**

Metal storage structures are prohibited. Other storage structures require approval (see 2.3.8 Exterior Freestanding Structures).

#### **2.1.7.Antennas or other Structures on Common Property**

Antennas of any type may not be placed on common property even if you cannot receive an acceptable quality signal on you lot. Other structures are also prohibited on common property. Cutting of vegetation or planting on common property requires the express written approval of the Board of Directors and its Grounds Committee. Some common areas are “buffers” according to Durham City-County Zoning laws (see 1.6 Durham City-County Zoning Laws) and would also require Zoning Board approval for any changes.

#### **2.1.8.Window Air Condition Units**

It is not allowed to install window AC units.

### **2.2.THINGS THAT REQUIRE NO APPROVAL**

Anything that is not listed in this section ALWAYS requires approval.

#### **2.2.1.Signs**

Only one commercial sign is allowed (by the Covenants in Section 6.2(b)) and that is a “for sale” sign or a “for rent” sign.

### 2.2.2.White and Matching Color Storm Doors

White (or color matching the door or its trim) storm doors with full height glass without cross members and with narrow stiles require no approval. Other styles or colors of storm doors do require approval (see 2.3.9Exterior Additions and Modifications).

### 2.2.3.Gutters

Properly installed, white pre-finished (or color consistent with the house trim), aluminum gutters do not require approval. Other colors or materials require approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact drainage on adjacent properties, approval is required (see 2.3.9Exterior Additions and Modifications).

### 2.2.4.Alarm Systems and Security Cameras

Installing an alarm system on your property requires no approval even if it involves components outside the house (e.g. fence gate sensors). Installing one or more security cameras on your property does not require approval either.

### 2.2.5.Some Exterior Lighting

No approval is needed for:

- Replacing lighting fixtures with a similar type and style
- Installing a motion sensing security device to turn on existing light fixtures
- Installing a motion triggered light under your deck to help deter a would-be intruder from hiding there
- Installing a motion triggered spotlight or floodlight that is not on all the time **in the rear of your house**
  - a) If your house backs up to the American Tobacco Trail or does not back up to another house **OR**
  - b) if your house does back up to another house that is 60' or more away.
- Installing a motion triggered spotlight or floodlight that is not on all the time **in the front of your house**
  - a) If a car has been broken into in your driveway, or you park a car overnight in your driveway **AND**
  - b) you can mount the light up high on the house so that it shines down on the driveway (as opposed to

out).

In both cases, you must insure the beam stays on your property. If the Board receives complaints that does not, then the homeowner will be requested to take action in order to bring the offending light into compliance or face penalties for violation (see 5.2 ACC Guidelines Enforcement Process). All other spotlight, floodlight, or lamppost installations require approval (see 2.3.12 Exterior Lighting).

- Properly installed low voltage lighting along walkways and on the inside of decks needs no approval.
- Temporary holiday lighting does not require approval. However, such lighting and any associated wiring must be removed within a reasonable amount of time after such holiday. No less than 2 full weekends after most holidays should be sufficient. Christmas decorations can stay for 2 full weekends after January 7 (longer in cold weather).

### 2.2.6.Deck and Fence Preserving and Staining

Pressure treated lumber is treated with chemicals to resist rot. The treatment does not protect against UV sunlight damage, nor does it seal against water or protect against weather damage. Decks and fences should be sealed with a transparent or semi-transparent sealer. Sealers with UV blocking agents are allowed and encouraged. Decks and fences may also be stained a natural wood color (e.g. cedar, chestnut, golden oak, teak, pecan, bark, redwood, mahogany) either before sealing or in combination with the sealer. No approval is required. Some sealers suggest that new treated wood should weather a year before use of their product, and that is acceptable. Transparent sealers are typically not good for more than a few months and semi-transparent ones are typically not specified to last more than 2 or 3 years on flat surfaces (longer on fences). Opaque stains are often specified for 5 years on flat surfaces, longer on fences. **Opaque stains require approval, especially since none of the colors are true wood colors.** Include a color photo of your house, deck, and/or fence and the opaque stain color chip in your application.



## 2.2.7.Minor Landscaping

The following items require **no approval** from the ACC:

- Flowers planted in existing beds need no approval.
- Shrubs planted in existing beds need no approval.
- Flowers or flower beds around mailboxes need no approval.
- Ground cover in existing natural areas or landscape beds needs no approval. However, new natural areas or landscape beds need approval (see 2.3.7 Landscaping).
- Mulching with pine straw, hardwood or bark mulch needs no approval.
- Replacement of existing shrubs, plants, or trees that are diseased, damaged, or dead with the same variety and size shrub, plants or tree in the same location needs no approval.
- Borders around flower beds, trees, or shrubs (edging), one level high, consisting of pressure treated yellow pine timbers, brick, stone, pre-cast concrete, black plastic, or other commonly used material need no approval. More than one level of stackable material that holds back 12" or less of fill also needs no approval. **Heights above that are considered retaining walls and require approval** (see 2.3.13 Retaining Walls).
- Flower boxes on porches or hung from windows, or hanging floral baskets need no approval.
- Climbing roses or other climbing vines of any height, including the trellis on which they may climb need no approval. However, vines climbing directly on the side of the house require approval (Ivy in particular is considered detrimental to siding); most such vines would not be approved.
- Adding more compost or topsoil to a lawn, or re-seeding or applying sod to a lawn needs no approval, if done in a timely manner.
- Installing an invisible electronic fence for pet containment needs no approval.
- Installing a watering system for a lawn, planting beds, or hanging baskets needs no approval.
- Planting up to a dozen shrubs or bushes in a random pattern needs no approval. Hedges still need approval (see 2.3.7 Landscaping). Trees may be planted in the rear yard without approval, **except that trees cannot be planted in utility easements**. Dwarf fruit and ornamental trees may be planted in the side yard without approval. **Otherwise trees require approval. The most common mistake homeowners make is underestimating the size a bush, shrub, or tree will eventually be.** Trees, bushes, and shrubs must be planted such that at mature size they do not cross the property boundary or impair a driver's view, especially on a corner lot (see 1.6 Durham City-County Zoning Laws), but also including a driver exiting the lot's own driveway. New trees shall be located away from foundations, driveways or walks to limit potential damage caused by root growth. If the Board receives complaints about vision problems or encroachments they can require you to fix the problem (see 5.2 ACC Guidelines Enforcement Process).

## 2.2.8.Antennas Covered by Special FCC Rules

FCC rule 47 C.F.R. Section 1.4000 governs restrictions that local governments and homeowners associations can place on the following types of antennas:

- (1) A "dish" antenna that is one meter (~39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- (2) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
- (3) An antenna, of any size, that is designed to receive local television broadcast signals.
- (4) "Transmit only" antennas are also covered as long as they are paired with a receive antenna supplying one of the above services (e.g., sending pay-per-view authorization, or providing the uplink side of an internet or telephone service).

All the above antennas do not require approval for installation. The above antennas may be mounted on "masts" to reach a height to receive or transmit an acceptable quality signal. As long as the mast does not extend more than 12' above the roofline and is also set back from all property lines a distance greater than or equal to its height, no approval is required. If the height of a mast is more than 12' above the roofline, approval is required. Antennas may be installed by the homeowner, except for transmit-only antennas, which must be professionally installed.

### Location:

**The ACC prefers that antennas be placed in the rear or sides of properties, or in places shielded from view from the street, other lots, or common areas to the maximum extent possible.** However, the FCC says that the ACC cannot require you to place an antenna in a preferred location if it will not receive (or transmit) an acceptable

quality signal, or if placing it in a preferred location would increase the cost of installation or maintenance, or would unnecessarily delay installation. The FCC says that the ACC could require shrubbery or a fence to hide the antenna (providing that it did not interfere with reception) **if and only if** they also required it for such things as air conditioners, heat packs, and cable boxes, but the ACC does not require shrubbery or a fence to hide those things.

Antennas cannot be mounted on common areas or any other owner's property, even if an acceptable quality signal may not be received from any location on your lot.

Antennas must be securely and safely mounted. In order to prevent electrical and fire damage, antennas must be permanently and effectively grounded. Antennas may not obstruct a driver's view of an intersection or street (see the "sight triangle" rule in 1.6 Durham City-County Zoning Laws).

The FCC rules for the above antennas apply to renters of properties in Chancellor's Ridge, even if the lease prohibits them, with one exception: the renter cannot drill holes in exterior walls without the landlord's permission. Without permission, devices which allow the wires to be threaded through the spaces around windows and doors are available and must be used.

The FCC Fact Sheet on the above antennas is at <http://www.fcc.gov/mb/facts/otard.html>.

Other kinds of antennas (CB, Ham, etc.) are covered in 2.3.10 Antennas not Covered by Special FCC Rules.

### 2.2.9.Exterior Painting with the Same Colors

No approval is required to repaint your house in its original colors. There is a wide variation in the performance of paint from various manufacturers. Most paint stores will tell you that if you do not get 7 to 10 years from a paint job you are using bad paint. Use the rating service or paint expert you trust most to help select the brand and type of paint you will use. Flat paint is the least durable of all paint finishes. You are not required to use it, although it may help hide imperfections in siding. Glossier paints on trim are easier to clean and resist dirt better than flat paints. Owners should be aware that power washing painted siding with harsh chemicals commonly used for driveways, sidewalks, and decks may damage flat latex paint. If you need to power wash siding, use a mild cleaner. Consumer Reports suggests that a mixture of 1 part chlorine bleach to 3 parts water will remove mildew. The Sunstar Communities Homeowner Manual says "When washing, make sure water is applied at a downward angle. Do not pressure wash the siding and trim from ground level. Always apply at a horizontal or somewhat downward angle."

### 2.2.10.Removing Dead Trees, Bushes, or Shrubs

Removing any dead tree, bush, or shrub, (required by Covenants Section 6.2(I).) or any live tree that is in immediate danger of causing property damage or bodily harm does not require approval. You may want to take and keep a photo of the tree in case you are asked about it later. If the tree is in the front of the house, it may have to be replaced with a similar tree to satisfy the Durham City-County zoning standards in Section 10.5.2 (Street Trees for Residential Development).

### 2.2.11.Certain Landscaping Items inside Certain Fences

"Opaque" fences cannot be seen through (like the Townhome fences, or like some wood fences in the single family homes). "Relatively closed" fences are those where the distance between slats is approximately half or less of the width of a slat and less than 2" on average. "Open" fences are split rail fences, or the picket fences around some of the Phase 1 houses, or any fence less than 5 feet in height. Within "opaque" and "relatively closed" fences, flower beds, vegetable gardens, walkways, retaining walls under 4', arbors, children's playground equipment, shrubs, bushes, or trees may be installed or planted without ACC approval. Other structures such as gazebos, storage sheds (see 2.3.8 Exterior Freestanding Structures), hot tubs and pools (2.3.14 Hot Tubs and Pools), and retaining walls above 4' (see 2.3.13 Retaining Walls) still need approval regardless of the presence or style of fence.

### 2.2.12.Lattice Work under a Deck

Lattice work installed under a deck to shield from view certain items (e.g., grills, table umbrellas, etc.), or to prevent would-be intruders from having a place to hide, needs no approval as long as it is made of pressure treated wood. It should be sealed and stained to match the finish of the deck. **Painting the lattice requires approval.** Include a paint chip along with a color photo of your house and deck.

### 2.2.13. Temporary Recreational Equipment

Temporary volleyball nets, badminton nets, croquet sets, or similar items need no approval.

## 2.3. THINGS THAT ALWAYS REQUIRE APPROVAL

### 2.3.1. Decks

The size, height, and styling of decks must complement the dwelling and existing deck, if any, and be in proportion to the dwelling. See 2.2.6 Deck and Fence Preserving and Staining for information about sealing and staining decks.

**Location:**

All decks must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum setback requirements of Chancellor's Ridge (shown on your survey plat); however, final placement and approval will be determined by the ACC and may be more restrictive than the Durham City-County zoning requirements (see 1.4 Setback Requirements). Decks may not be built in utility easements.

**Materials:**

The deck shall be constructed of #2 or better pressure-treated southern yellow pine with galvanized hardware.

**Additional Requirements:**

Owners should be aware that a building permit must be obtained from the City of Durham prior to building a deck. As a result, all decks must meet the building requirements for the City of Durham, in addition to these guidelines. However, approval from the ACC is not necessarily contingent upon obtaining a city building permit. Proper drainage must be maintained around the deck and away from the foundation.

### 2.3.2. Fences for Single Family Homes

This section provides guidelines specifically related to fences for single-family lots. For fences for the fronts of Charleston style homes located in Phase I see 2.3.3 Fences for Charleston Style Homes. For townhome fences see 2.3.4 Fences for Townhomes. Whenever possible, alternatives to fences are recommended (i.e., landscape screens – see 2.3.7 Landscaping or "invisible" electronic fences – see item k in section 2.2.7 Minor Landscaping).

**Appearance:**

Only existing fence styles in CR are considered at this time.

Information on sealing and staining fences can be found in 2.2.6 Deck and Fence Preserving and Staining.

**Location:**

Fences will be allowed only for back or side yards and shall follow the natural topography of the land. Existing live trees shall not be removed to place the fence without prior approval from the Architectural Control Committee.

The setback from the homeowner's property line shall be one inch. However, any corner lot and lots bordering on Chancellor's Ridge Drive will generally be required to have a set back of fifteen feet from the property line on the side of the lot facing the street. (Note: The property line is not the curb line.)

The fence shall not extend more than ten feet from the rear corners of the house in a direction toward the front street. Exceptions may be allowed by the ACC to accommodate HVAC systems that are out of the ten foot limit.

**Materials:**

Fences are to be constructed of #2 or better pressure treated yellow pine. All fasteners are to be galvanized. Fence height is to be 5 feet, except for fences around some swimming pools (see 2.3.14 Hot Tubs and Pools).

Fences shall include a minimum of one walk through gate at least 3'-0" wide for access. Gate should be constructed of the same materials and style as the fence.

**Additional Requirements:**

When there is a utility easement across any portion of the area to be enclosed by a fence, it must have a minimum 12 foot wide gate in each section of the fence that crosses the easement line to allow the utility company access for maintenance and repair. Consult the applicable utility company for its detailed requirements. **PSNC requires that you get their approval to install a fence that crosses their utility easement.** Call 1-800-296-0356 or 919-598-7415. If a lock is needed, it must be interlocked with a PSNC lock to allow their access. **Trees may not be planted in the utility easement.**

### 2.3.3.Fences for Charleston Style Homes

Only one fence style is allowed in the front of the single-family, Charleston style homes (located in Phase I of the community, also called Heritage style homes). Fences must be white, scalloped pickets with Gothic style post caps. Please contact the Management Company or the Chancellor's Ridge Web site (<http://www.chancellorsridge.com>) for pictures showing this fence style.

**Location:**

The fence above may be permitted in the front yard of the Charleston style lots. The rear yard may have the same style or any style fence allowed for single family homes (see 2.3.2Fences for Single Family Homes).

The setback from the homeowner's property line shall be one inch. (Note: The property line is not the curb line.) However, lots bordering on Chancellor's Ridge Drive may be required to have an additional set back so as to not block vision of the street by drivers. Corner lots may also have an additional setback and in some cases may be prohibited from having a fence that would block a view of traffic. See the "sight triangle" rule in 1.6 Durham City-County Zoning Laws).

Fences in the front shall not extend more than ten feet from the front corners of the house in a direction toward the rear. Fences in the rear shall not extend more than ten feet from the rear corners of the house in a direction toward the front. Exceptions may be made by the ACC to accommodate HVAC systems that are out of the ten-foot limit. Existing live trees shall not be removed to place the fence without prior approval from the ACC.

The fence shall include a minimum of one walk through gate at least 3'-0" wide. Gate should be constructed of same materials and style as the fence.

**Materials:**

Fences are to be constructed of a white vinyl material. All fasteners are to be galvanized. Fence height is to be 4 feet.

### 2.3.4.Fences for Townhomes

Only one specific fence style is allowed in rear of the Townhome Community. It is to be white poly- vinyl fence material, 6 feet high, matching the style and material as the partitions separating the rear lots. Please contact the Management Company or the CR Web site (<http://www.chancellor- sridge.com>) for pictures showing this fence style.

**Location:**

Homeowners may enclose the partitions that are currently attached to the building(s) by adding only one eight-foot partition to the original partition. It must only be two eight (8) foot partitions, totaling 16 feet and must be enclosed. For end units, if there is no partition on one side, the fence must be constructed off the corner of the building and extend so that it is parallel to the current partition.

**Materials:**

Fences are to be constructed of white polyvinyl material. All fasteners are to be galvanized. Fence height is to be 6 feet.

The fence shall include one walk through gate 3'-0" wide for access. Gate must be of the same material as the rest of the fence. The gate must be centered in the back, between the panels.

**Additional Requirements:**

All posts must be set in concrete. All fences must be maintained in an aesthetic and safe condition. Maintenance of the fence is the responsibility of the townhome owner. Maintenance of the landscape and lawn within the fenced-in area is also the responsibility of the townhome owner.

### 2.3.5.Walkways, Patios, and Parking Pads

Walkways, patios, and parking pads 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 run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

**Location:**

Patios shall be confined to the rear yard. Walkways may be in the front, side, and rear yards, and directly adjacent to the driveway. Parking pads are adjacent to the driveway and usually an extension of it. The patio, walkway, or parking pad size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways, patios, and parking pads shall be a minimum of 18" from property lines. If lot size and configuration do not accommodate an 18" setback, the ACC may allow for an exception to this setback guideline.

Patios, walkways, and parking pads may not be placed in utility easements.

**Materials:**

Brick, concrete, concrete pavers, flagstone or slate will be considered as acceptable materials. Materials and color chosen shall complement the existing structures.

**Additional Requirements:**

All patios, walkways, and parking pads must maintain proper drainage on the site. Homeowners are required to provide a plan that details drainage patterns and runoff.

Each individual homeowner must ensure compliance with the Durham City-County Impervious Surface requirements (see 1.6 Durham City-County Zoning Laws)

## 2.3.6. Playground and Recreational Equipment

Swing sets, sliding boards, sandboxes, jungle gyms, and similar items are considered playground equipment. Moveable, temporary items such as bikes, wagons, and similar items are not considered playground equipment.

Basketball goals, trampolines, horseshoe pits, permanent volleyball courts, and similar items are considered recreational equipment.

**Appearance:**

Playground and recreational equipment should blend with the natural surroundings to the extent possible. Landscape shrubs or a fence must be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for children. "Visually offensive" shall be judged by the ACC.

**Location:**

Dependent on the configuration of each lot, playground equipment should be placed in the rear yard. The location of play areas and of 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.

Recreational equipment should also be placed in the rear yard area where applicable. A potentially dangerous item such as a trampoline should be located within a fenced-in area to prevent access by unsupervised and unintended child users. Equipment such as portable basketball goals may be placed on the driveway but must be located a minimum of 23 feet away from the curb. Basketball goals, fixed or portable, shall not be placed near the street, where the street is intended as the playing surface. Basketball goals must be placed to avoid balls striking vehicles, fragile plants or other items on the adjacent property. The homeowner will be held liable for any damage created during the use/operation of a basketball goal.

**Materials:**

Playground equipment constructed of treated natural wood is encouraged, but not required. Playground equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. In particular, **swing sets, jungle gyms, and sliding boards must be securely anchored.**

It is recommended that recreational equipment be "portable"; however, fixed equipment will be considered on an individual basis. Recreational equipment should be constructed of proper materials to ensure safe usage, **be properly anchored** and be aesthetically pleasing.

**Additional Requirements:**

Detailed drawings must be presented to the ACC for approval prior to the installation of any equipment. All equipment expected to be in a fixed location for an extended period of time must be submitted. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

Permanent playground or recreational equipment is not allowed in utility easements.

## 2.3.7. Landscaping

**Definitions:**

Natural Area/Landscape Bed	Any area with ground cover other than grass
Bushes & Shrubs	Any bush or shrub that will not exceed 5'-0" in height or width at maturity.
Flower Bed	Any grouping of flowers not contained in a natural area or landscape bed.

## Chapter 2. : Architectural Control Standards

Garden	Any area used to grow vegetables or herbs.
Water Garden	Natural or prefabricated body of water for decorative purposes.
Lawn Ornament	A decorative item such as a statue or reflective ball.

### Appearance:

Natural area and landscape beds shall be made in proportion to the home and property. All landscape areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural area may be used but is not required.

Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed 5'-0" in height. Screening of these areas should be considered through the use of a fence or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Trees shall be maintained and pruned for aesthetic and safety reasons (i.e., overgrowth is pruned; debris and damaged limbs due to wind, decay, disease or ice are removed). Lawn ornaments require specific approval (per Section 6.2(k) of the Covenants).

### Location:

Natural areas and landscape beds may be placed in the front, rear, and side yards. Landscape beds and natural areas located in the front yards must not encompass more than 50% of the total area available for the front yard. Areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line. Corner lots will be measured from the curb to far side yard property line. Areas will exclude the existing walkway and driveway. The remaining 50% of the front yard area must be grass.

Mature plant size shall be considered in determining locations of bushes and shrubs near property lines and streets. Plants must be set back sufficiently to account for mature growth. When bushes and shrubs are located immediately adjacent to property lines, mulch is required at the property line to provide easy maintenance for adjacent owners.

Vegetable, herb and water gardens shall normally be confined to the rear yard out of view from public streets and commons areas. Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning).

New trees shall be located away from foundations, driveways or walks to limit potential damage caused by root growth.

Landscape beds, shrubs, bushes, and/or flowers in utility easements may be allowed by the ACC, but with the full understanding that such things may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company. **Trees may not be planted in utility easements.**

### Materials:

In the application, use the "common" variety names of plants.

Decorative gravel mulch or similar types of mulching require approval. Be aware that compacted gravel is considered "impervious surface" (see 1.6 Durham City-County Zoning Laws). Also, mulching on sloped surfaces does not prevent erosion; only dense roots prevent erosion.

Borders around trees and beds may consist of pressure treated yellow pine timbers, brick, stone, pre-cast concrete, black plastic, or other commonly used material. Railroad ties are prohibited (see 2.1.5 Railroad Ties). Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, borders are only one level high. Multiple levels (e.g. stacked stone, landscape timbers, etc.) that hold back no more than 12" of fill are also acceptable. Higher borders would normally be considered as a retaining wall (see 2.3.13 Retaining Walls).

### Additional Requirements:

All landscape changes will maintain proper drainage on the site. If major changes are planned, homeowners are required to provide a plan that details drainage patterns and runoff. Plans which cause excessive runoff to neighboring properties or common areas will not be approved without modifications which solve the drainage situation.

All live tree removal, except emergency removal, must be approved by the ACC in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal. Emergency tree removal and dead tree removal are covered in 2.2.10 Removing Dead Trees, Bushes, or Shrubs.

Trees or plants of any kind that obstruct sight lines of vehicular traffic will not be approved (see the "sight triangle"

rule in 1.6 Durham City-County Zoning Laws). Trees or plants that are detrimental to neighboring property will also not be approved.

### 2.3.8.Exterior Freestanding Structures

Exterior freestanding detached structures include storage sheds, gazebos, doghouses, greenhouses, etc.

**Appearance:**

Your application should include a drawing of the proposed structure, including materials and colors, or a picture if possible. Also include details of the foundation or anchors for such structures. The design of the structure should be compatible with existing structures on the lot.

**Location:**

All exterior freestanding detached structures will be confined to the rear yard. The location for these structures will typically be governed by the setbacks shown on your lot's survey plat. However, the ACC may require a larger setback (see 1.4Setback Requirements ).

The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. "Visually offensive" shall be judged by the ACC.

No permanent structures are permitted in utility easements.

**Materials:**

Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. In general, the ACC seeks to maintain the quality of materials and workmanship that are present in the original structure.

**Additional Requirements:**

All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

If electrical service will be provided to the detached structure, the application must include details of how that service will be run. Overhead electrical service is not permitted in Chancellor's Ridge. The City of Durham will require a building permit for such structures and you must ensure that they will meet the Impervious Surface requirements (see 1.6 Durham City-County Zoning Laws).

### 2.3.9.Exterior Additions and Modifications

Additions may include, but are not limited to, garages, screened porches, sunrooms, and any other new living spaces or storage areas that are physically attached to the main structure of the existing house.

Exterior Modifications may include, but are not limited to, the addition or modification of storm doors, gutters, windows, and siding. Some storm doors (see 2.2.2 White and Matching Color Storm Doors) and some gutters (see 2.2.3 Gutters) require no approval; all others do.

**Appearance:**

All building additions and/or exterior modifications must be compatible in scale, character, materials, color, location, and all other aspects with the original house and surrounding sites. New roofs, siding, windows, doors, etc. should match the current architectural style of the house and be located to relate well with the existing structure. For example, roof pitch of the addition should, if possible, match the original roof. The intent is to preserve the architectural character of the Subdivision.

**Location:**

The location of building additions will be governed by the maximum building area that is defined on the survey plat given to you at closing. However, the ACC reserves the right to reject applications that may meet the PDR setback requirements but fail to meet the objectives of the ACC (see 1.4 Setback Requirements).

Additions should be located to minimize the removal of live trees and the destruction of natural areas. The ACC may require supplemental landscape to compensate for the removal of vegetation, or to soften the addition visually. Additions may not encroach on utility easements.

**Materials:**

Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in construction of the original structure.

Owners should be aware that additions are subject to NC Building Codes. The ACC reserves the right to require homeowners to exceed these minimum standards if it is deemed necessary to maintain the architectural intent of the

original structure. You may be able to view NC Building Codes at [http://www.amlegal.com/nxt/gateway.dll/?f=templates\\$fn=main-nf.htm&vid=icc:nc\\_free](http://www.amlegal.com/nxt/gateway.dll/?f=templates$fn=main-nf.htm&vid=icc:nc_free).

In general, the ACC seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use materials different than the original structure, such as brick or vinyl siding might be approved by the ACC.

**Additional Requirements:**

All building additions and modifications shall maintain proper drainage on the site. If a building addition or exterior modification is planned which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification. Additions must also meet the Durham City-County Impervious Surface requirements (see 1.6 Durham City-County Zoning Laws).

### 2.3.10. Antennas not Covered by Special FCC Rules

Dish type antennas larger than 1 meter in diameter are prohibited. Antennas for AM/FM radio, Digital Audio Radio Services (DARS) signals, amateur (HAM) radio, and Citizens Band (CB) radio are not protected by the FCC rule limiting local government and homeowner association rules (see 2.2.8 Antennas Covered by Special FCC Rules) and all of them require approval. The ACC will not approve large and visually offensive antennas. There are a great many types, styles, and sizes of amateur radio antennas. It is expected that few, if any, would be approved.

### 2.3.11. Exterior Painting with Different Colors

The exterior colors of your house (siding, trim, shutters, and door) need to be complimentary to the colors of your neighbors' houses. If you want to change your exterior colors, discuss your color choices with your neighbors first and then submit color samples with your application. Also submit color photos of your house, both next door houses, and the 3 nearest houses across the street. For paint types see 2.2.9 Exterior Painting with the Same Colors.

### 2.3.12. Exterior Lighting

Permanent exterior lighting fixtures must be compatible with the architectural character of the neighborhood. Only white light is allowed. Floodlights, spotlights, or lampposts will need approval. Certain other lights do not require approval. See 2.2.5 Some Exterior Lighting.

**Location:**

All exterior floodlights, spotlights, (except those allowed in 2.2.5 Some Exterior Lighting) and lampposts must have locations approved prior to installation. This is not meant to discourage security lighting systems, but only to control the source and spread of the light beam that may be intrusive to adjacent property owners. The application should include a diagram showing the proposed location of new lights and the lighted area.

**Materials:**

Include a materials list and, if possible, a picture or drawing of the proposed fixtures with the application.

**Requirements:**

Beam spread from all light sources should be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to insure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic. In the front, this is easier to do if the fixture is mounted up high.

All electrical installations must be in accordance with all applicable electrical codes and regulations.

### 2.3.13. Retaining Walls

Retaining walls often provide a border for a flowerbed or a landscape bed. Less often they provide a solution to drainage or erosion problems caused by steep slopes on lots. There is no explicit height limit, but compatibility with the surrounding area and the dwelling will be considered. Be aware that when a wall holds back 4' or more of fill, the NC Building Code requires the wall to be designed by an engineer and have a building permit. The difficulty of anchoring the wall increases disproportionately with height. So for steep slopes, it may be better to grade with a series of walls of shorter height rather than one tall wall.

**Location:**

Locations for retaining walls must be clearly specified on the plat plan submitted with the application. Consideration



will be given to changes in the natural topography and existing drainage patterns. Retaining walls may not be placed in utility easements.

**Materials:**

Natural building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited (see 2.1.5 Railroad Ties). Materials and colors chosen should complement the existing structure on the site.

**Additional Requirements:**

All retaining walls must maintain proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls must be properly secured to prevent collapse. Any request for a retaining wall over three feet in height shall include in the application detailed specifications for anchoring the wall.

Homeowner is responsible for insuring that all retaining walls meet Durham City-County zoning requirements and NC Building Codes.

## 2.3.14. Hot Tubs and Pools

The ACC realizes that pool and hot tub styles are limited and will place emphasis on screening systems to minimize the visual impact from a public way or adjoining property. Only in-ground swimming pools are allowed by the covenants (see 2.1.2 Above Ground Pools).

**Location:**

Durham City-County zoning laws (Section 7.41 under "Supplemental Requirements") specifically state "Private swimming pools as well as the decking and equipment associated with the pool on single family, duplex, and triplex lots shall not be located in the front or side yards and not be closer than 5 feet to the rear property line. The pool shall be completely enclosed by an opaque fence at least 6 feet in height if any portion of the pool or pool decking is within 20 feet of a property line. Pools not within 20 feet of the property line shall be enclosed with an opaque fence that is at least 4 feet in height. The exterior walls of the residence or buildings may be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates. These regulations shall apply to in-ground and above ground swimming pools which have a water depth over 24 inches or have a surface area of at least 100 square feet. Security measures shall be installed to prevent access to the pool when it is not intended to be used."

The depth definition (24") in the next to last sentence above may classify many hot tubs as pools according to Durham City-County zoning laws, which means that those hot tubs will be subject to the more restrictive fence rules cited above **even if they are covered hot tubs**. Hot tubs with a water depth less than 24" must also be confined to the rear yard. Care should be taken to locate pools and hot tubs so as to avoid potential hazards (i.e., electrocution, drowning).

**Additional Requirements:**

Homeowner is responsible for insuring that installation meets or exceeds all applicable codes, regulation, ordinances, permit requirements and inspection requirements of the City of Durham.

All pools and hot tubs will maintain proper drainage on the site. If a pool/hot tub is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system at the end of the season. Care should be taken to contain water from spilling over onto adjacent properties.

Open hot tubs must be surrounded by a fence (see section 2.3.2 Fences for Single Family Homes, 2.3.4 Fences for Townhomes) with locking gates. Hot tubs may require additional screening based on the location on the lot to provide visual screening from adjacent property owners or public ways.

Pumps and machinery related to the pool or hot tub must be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. "Visually offensive" shall be judged by the ACC.

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 the City of Durham noise ordinance.

Swimming pools and hot tubs may not be placed in utility easements.

### **2.3.15.Roofs**

All roof replacements need approval.

### **2.3.16.PODS and other storage containers**

PODS and other storage containers can be in the driveway for up to 30 days without approval. They can not obstruct the walk way. If the container is needed for more then 30 days, an application must be filed before the container is placed.

## **3.3 PROCEDURE FOR REQUESTING ACC APPROVAL**

### **3.1.Application Process**

**Step 1.** Prior to any alteration, addition or improvement the property owner (not the contractor or other parties) requests from the Management Company the Architectural Control Application Form "Request for Architectural Approval" or makes a photocopy of the form from these guidelines.

**Step 2.** Prior to any alteration, addition or improvement, the property owner completes the application form and provides applicable information. Reference should be made to the Architectural Control Standards for specific information needed for the proposed improvement, addition or alteration. All parts of the form must be filled out and all pertinent information shall be included in the submittal. Incomplete applications will be returned.

**Step 3.** The property owner sends the completed form, along with any attachments or supporting documents, to the Management Company for processing. Applications must be mailed or faxed directly to the Management Company. Applications left at the Sales Office, the Construction trailer, with a member of the ACC, with a member of the Board, or with any other officer of the Association will not be processed.

**Step 4.** The Management Company will mark the date the application is received in its office. It will then copy and distribute the dated application to the Chairman of the ACC for inclusion on the agenda of the next regularly scheduled meeting of the ACC. When color photos are included (e.g., paint color changes) the original photo will be sent to the ACC, while the copy will be kept by the Management Company.

**Step 5.** The ACC will review applications at its next regularly scheduled meeting and will approve or deny the application within forty-five (45) days from the receipt of the application. Meetings are not open to the public. The ACC may: (a) determine that an application is incomplete, Administratively Deny it, and request additional information, (b) approve the application, (c) conditionally approve the application, stating the conditions in writing, or (d) deny the application, stating the reasons for the denial in writing.

Any calculation of time concerning the processing of an application will not start to run until the application is complete.

**Step 6.** Upon its receipt of the Committee's decision on an application, the Management Company will mark the application with the date a decision is made and will forward it to the homeowner. In the case of approval, the homeowner can begin the project. In the case of an administrative denial for insufficient information, the information needed will be listed on the application and provided to the homeowner. In the case of approval with conditions, the conditions will be listed on the application and provided to the homeowner. The homeowner may begin the project as long as the stated conditions are satisfied. In the case of denial, the reasons will be noted on the application.

A property owner who is not satisfied with the ACC's decision on an application may (a) submit another different application (should the property owner want to resubmit another application, the forty-five (45) day process starts again with each submittal) or (b) appeal the ACC's decision to the Board of Directors.

NOTE: Prior to beginning any construction project, always call North Carolina One Call Company at 1-800-632-4949 to mark existing utility lines.

### **3.2.ACC Application Request Form**

The application form is on the next two pages.

CHANCELLOR'S RIDGE HOMEOWNERS  
ASSOCIATION  
**ARCHITECTURAL CONTROL APPLICATION FORM**

REQUEST FOR ARCHITECTURAL APPROVAL  
(Please fill in all items and supply all supporting data as requested.)  
**Incomplete forms will cause delays in review of your application.**

Date: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

\_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot #: \_\_\_\_\_

Telephone: (W) \_\_\_\_\_ (H) \_\_\_\_\_

**Please note: NO construction may be started until you receive approval for your request from the Architectural Control Committee.**

This architectural request **must** be accompanied by two (2) different drawings, as applicable:

1 Plot plan (official survey of lot) – showing the improvement (i.e. deck, fence, land- scaping, parking pad, garden, addition, etc.) and its relationship/distance to property lines, easements, open space, drainage ditches, neighboring homes, etc.

2 Elevation – or “head on” view, as would be seen in a photograph. This drawing should show height, width, and distance above finished grade and details of the pro- posed request. Be specific in order to expedite the architectural review process. Photographs or brochure pictures should be submitted along with this request when available.

Description of improvement (include location of improvement):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Construction materials to be used: \_\_\_\_\_

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.....  
.....  
.....

Colors (mail samples if applicable): \_\_\_\_\_

.....  
.....  
.....

Estimated Start Date \_\_\_\_\_ Days to Complete \_\_\_\_\_

In applying for the above architectural change, I agree to follow to the best of my ability the changes as described and meet any and all codes, permits or other requirements deemed necessary by county, state or other applicable authority.

.....  
Owner's signature

.....  
Date

\_\_\_\_\_  
Owner's signature

\_\_\_\_\_  
Date

Should your request be denied, you may make an appeal. If you wish to appeal please call Customer Service at (866) 472-2573 to get on the calendar for the next board meeting.

### **3.3.Management Company Contact Information**

Chancellor's Ridge Management Company contact information is provided below:  
Cassie Renteria, CAM  
Real Manage, LLC  
Customer Service (866) 473-2573  
Email: chridge@CiraMail.com

### **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 their request, the Management Company will forward to the applicant a notice of denial of their request. The notice will provide the applicant thirty (30) days to file an appeal of a final ACC decision in writing. Note: Administrative denials pending more information or for other reasons are not final decisions and therefore may not be appealed.
2. **Notice of Appeal:** Notice of Appeal to the Board of Directors must be filed in writing by mailing it or faxing it to the Management Company within thirty days (30) of the notice of denial being mailed to the applicant. Include with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the ACC's decision, and an explanation of the reason for the appeal.
3. **Transmittal to Board:** Upon receipt by the Management Company, the Notice of Appeal and all supporting paperwork shall be filed and copies sent to the Board of Directors and the Chairperson of the Architectural Control Committee.
4. **Hearing:** The President of the board shall schedule a hearing on the appeal, usually in conjunction with a normal Board Meeting, within sixty 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 will begin with the ACC chairperson explaining the position of the ACC and reasons for the denial. The applicant will then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board.
5. **Decision of Board:** No decision will be rendered at the hearing. Within fifteen (15) days of the hearing, the Board of Directors will report their decision, based upon a majority vote, in writing. The Management Company shall forward copies of the decision to the applicant and to the ACC.

## **4.MAINTENANCE STANDARDS AND PROCEDURES**

### **4.1.Maintenance Standards**

It is the responsibility of each homeowner to maintain his or her property in such a way that it adds to the overall beauty and harmony of the community. 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 community as a whole. There are many areas in and around the home which should be inspected regularly to insure the property is in good repair. These areas include but are not limited to:

- Lawn Care
- Trimming of trees and shrubbery
- Landscaping
- Garbage Can Storage
- Debris and Trash
- Removal Playground equipment
- Decks
- Fences
- Driveways and Sidewalks
- Paint
- Roofing

Some lots have landscape easements (shown on your survey plat) or “buffers” that require special treatment (see 1.6 Durham City-County Zoning Laws) vegetation must be maintained. Other lots have “wild” or natural areas (with trees) left that way by the builder that are **not** buffers under the zoning laws. Owners of those areas have a freer hand. Although approval to remove live trees is still required (see the end of 2.3.7 Landscaping), they may treat them as they like. However, they are under no requirement to trim live brush, plant grass, or mulch those areas. Nor do they require approval to plant additional flowers, bushes, shrubs, or trees. Owners should be aware that extensively disturbing the soil, or adding a lot of new soil in those areas may cause the trees to die.

### **4.2.Enforcement of Maintenance Standards**

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the ACC and/or the Management Company will be requested to make a site inspection.

After inspection, the Management Company will issue a letter to the homeowner (and tenant, if applicable) requesting the homeowner to either correct the issue promptly **or** to contact the Management Company to determine a timeline for correcting the issue (especially in cases of large cost items).

Based on the severity of the deterioration, the homeowner will be given a specified period of time in which to make the necessary repairs. The time allowed for costly repairs will consider the economic impact, the difficulty of securing a contractor during busy seasons, the right of a homeowner to make his or her own repairs on weekends, and the remaining available decent weather in the season. If the homeowner feels the amount of time is insufficient, he or she can appeal to the Board (using the process in Appeal Process). If, after that time, the repairs have not been affected to the satisfaction of the Board, the Board may pursue an enforcement action, including, but not limited to, levying fines, and/or hiring a contractor to complete the repairs at the homeowner's expense.

## **5.5 HOW ENFORCEMENT WORKS**

### **5.1.ACC Guidelines Enforcement Authority and Responsibilities**

1. Board of Directors
  - a. The Chancellor's Ridge Homeowners Association Board of Director is responsible for overall direction and approval of all enforcement actions.
  - b. The Board of Directors is responsible for appeal of enforcement actions by the Architectural Control Committee (ACC).
  - c. ACC and the Management Company 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.
2. Architectural Control Committee
  - a. 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 homeowner's lots.
  - b. The ACC shall identify violations and process complaints in a timely manner.
  - c. The ACC will investigate alleged violations or assign sub-committees to conduct such investigations.
  - d. The ACC shall review the results of investigations and take immediate action to prevent violation or continued violation where possible and make a recommendation to the Board of Directors for appropriate enforcement action. The ACC must notify the Management Company of identified violations.
3. Management Company
  - a. The Property Management Company ("Management Company") under contract to the Chancellor's Ridge Homeowners Association has the delegated responsibility for conducting field inspections of Chancellor's Ridge to identify ACC guideline violations (see 1.3 ACC Inspection Authority).
  - b. The Management Company shall receive complaints from any source regarding violations requiring possible enforcement action in Chancellor's Ridge. The Management Company shall document all complaints received and forward them to the appropriate person(s) for action.
  - c. The Management Company shall keep ACC chairpersons and the Board informed of enforcement action taken and of potential problem areas where enforcement may become necessary.

### **5.2.ACC Guidelines Enforcement Process**

1. **Identification** of ACC Guideline Violations:
  - a. The Architectural Control Committee and the Management Company are primarily responsible for the investigation and identification of violations to ACC Rules and Guidelines.
  - b. Others (including homeowners) may also identify ACC guideline violations. These concerns should be communicated to the Management Company for further investigation.
2. **Investigation** of Violations:
  - a. All complaints received by the ACC and/or the Management Company alleging ACC violations shall be shared with one another.
  - b. Upon receipt of information concerning potential or alleged ACC guideline violations, the ACC and/or the Management Company shall determine the nature of the violation within the following categories:
    - Major architectural or landscape changes without ACC approval.
    - Minor architectural or landscape changes without ACC approval.
    - Architectural or landscape changes not consistent with ACC approval.
    - Architectural or landscape changes begun or completed after application for ACC approval but prior to actual approval.



- c. The ACC and/or the Management Company will investigate alleged violations. In appropriate cases, professional or technical assistance may be used if approved in advance by the Board.
- d. The ACC shall make visual observations of the alleged violation and photographs may be taken. Interviews of the owners involved may be conducted if appropriate in the circumstances, but at least two members of the ACC should be present and no promises should be made during the interview.
- e. Other investigative actions may be taken as appropriate.

**3. Notice to Homeowner:**

- a. Once the violation has been confirmed the ACC will send a notice to the owner in violation, noting the violation and requesting compliance with rules by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent informing the homeowner 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.
- b. Perform a site inspection after the date specified in the notice. If the violation has been corrected, the matter will be closed with a notice to ACC files. An unresolved violation will result in further compliance actions. Normally only one notice would be provided, but the ACC, with Board approval may extend the grace period based on individual circumstances or may issue subsequent notices if necessary.
- c. The ACC may also exercise its option of granting a waiver (see 1.5 Waivers).

**4. Enforcement options shall include the following:**

- a. If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement would be necessary.
- b. If work is not ceased upon demand or corrective action is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:
  - Impose fines in accordance with the Covenants for each week the violation continues.
  - With approval of the Board of Directors, seek a temporary restraining order or injunction to stop any continuing work.
  - Demand that unapproved architectural or landscape changes be removed within a specified, but reasonable period of time and impose fines if not accomplished by the applicable deadline.
  - With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner for the cost of such corrective action, a 20% fee, plus any fines (per Covenants Section 6.2(1)).
  - After notice and opportunity to be heard by the Board, suspend a member's voting rights and/ or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
  - Other corrective actions that may be appropriate in the particular situation.

## 5.3. Disclaimers

The Association, ACC, 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, or ACC to recover any such damages (see Covenants Section 5.1).

The purpose of the Architectural Guidelines is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the Architectural Control Committee. These Architectural Guidelines 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 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 Chancellor's Ridge, the By-laws of the Chancellor's Ridge Homeowners Association, Inc. and these Standards, the Declaration shall exert primary control, and By-laws shall exert secondary 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 vote of the Board of Directors.

