

**CASTLE HILL HOMEOWNERS' ASSOCIATION  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES  
December 21, 2006**

**BEFORE MAKING ANY IMPROVEMENT OR ANY ALTERATION TO A  
LOT OR DWELLING, AN OWNER MUST APPLY FOR WRITTEN  
APPROVAL.**

***ACC GUIDELINES***

***Preamble***

Unless expressly stated otherwise herein, all exterior construction, improvements, repairs, building material changes, or color changes shall be submitted to the ACC for approval prior to work commencing.

**I. Architectural Approval**

To request architectural approval, an owner must make written application to the Architectural Reviewer and submit two (2) identical sets of plans and specifications showing the nature, kind, shape, color, size, materials, and locations of the work to be performed. In support of the application, the owner may, but is not required to, submit letters of support or non-opposition from owners of lots that may be affected by the proposed change. The application must clearly identify any requirement of this Declaration for which a variance is sought. The Architectural Reviewer will return one set of plans and specifications to the applicant marked with the Architectural Reviewer's response, such as "Approved," "Denied," or "More Information Required." The Architectural Reviewer will retain the other set of plans and specifications, together with the application, for the Architectural Reviewer's files. Verbal approval by an Architectural Reviewer, the Declarant, an Association director or officer, a member of the ACC, or the Association's Manager does not constitute architectural approval. Approval must be in writing by the Architectural Control Committee.

**II. Front Doors, Storm Doors, Storm Windows**

- 2.1 All front-facing doors and windows must be approved by the ACC.
- 2.2 Front doors must be maintained. They may be stained a natural wood color, or painted the same color as the house trim without application to the ACC for approval. If not stained a natural wood color or painted the same color as the house trim, the owner must make application to the ACC for approval.
- 2.3 All front-facing storm doors must be a full glass door. The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. Paint colors must be approved by the ACC.

### **III. Security Doors & Windows and Window Tint**

- 3.1 Security treatment of doors and windows must be approved by the ACC prior to installation.
- 3.2 The use of “burglar bars,” steel, wrought iron bars, or similar fixtures on the exterior or any window or door is prohibited.
- 3.3 Windows shall be of clear glass or a tinted glass of bronze, gray, or smoke color. The use of reflective glass or reflective tinting is prohibited.

### **IV. Awnings, Overhangs and Patio Covers**

- 4.1 Awnings and overhangs in the front of the house are prohibited; all other areas must be approved by the ACC prior to installation and generally expressive of the community’s character.
- 4.2 Patio covers shall be constructed of materials that complement the house.
- 4.3 Prefabricated covers made of aluminum are not permitted.
- 4.4 If attached to the house, patio covers must be integrated into the existing roof line (flush with eaves) and, if it is to be shingled, shingles must match the house roof.
- 4.5 Cedar wood arbors will be allowed if submitted for approval to the ACC.

### **V. Front Porch, Steps, and Trim Decorations**

- 5.1 All front porch, steps, and trim decorations must be approved by the ACC.

### **VI. House Maintenance**

- 6.1 House Maintenance. Each owner at the owner’s expense must maintain all improvements on the lot, including but not limited to the dwelling, fences and driveways. Maintenance includes preventative maintenance, repair as needed, and replacement.
- 6.2 Owner responsibility. Every owner has the following responsibilities and obligations for the maintenance, repair, and replacement of the Property as needed. Each owner is expected to maintain his lot’s improvements at a level, to a standard, and with an appearance that is commensurate with the neighborhood. Specifically, each owner must repair and replace worn, rotten, deteriorated, and unattractive materials, and must regularly repaint/stain all surfaces.

### **VII. Exterior Paint**

- 7.1 When a homeowner intends to repaint or repair an original or previously approved and applied color scheme or repair a damaged or deteriorated portion of the existing structure, the work may proceed without an application to the ACC for approval. All other painting, repair or refurbishing work must be submitted to the ACC for approval, including, but not limited to, front doors, rear doors, and garage doors, siding, trim, eaves, downspouts, shutters, and fencing.
- 7.2 Color changes must be approved by the ACC. The ACC shall approve any color scheme generally expressive of the community’s character. Color of brick used on the house and

color of neighboring houses are considerations. The use of earth tones and natural colors are encouraged. Bold colors and primary colors are prohibited.

### **VIII. Roofs**

- 8.1 All roof replacement must be approved by the ACC. The existing roof grade of roof (Brand: Timberline, 20 Year, Color: Weatherwood, sku: 73590 30642) must be used for replacement.

### **IX. Wind Turbines and Ventilators**

- 9.1 Wind turbines and/or attic ventilators must be finished to complement the roof or trim color and must be installed on the homeowner's patio side of the house.
- 9.2 Wind turbines and/or attic ventilators must be finished to complement the roof or trim color and must be kept in good condition, lubricated, near silent, and not rusted, corroded, or otherwise deteriorated.

### **X. Garage Conversions and Carport**

- 10.1 The original garage area of a lot may not be enclosed or converted into a living space.
- 10.2 Garage doors are to be kept closed at all times except when a vehicle is entering or leaving.
- 10.3 Carports are not permitted.

### **XI. Window Air Conditioners**

- 11.1 No window or wall-type air conditioners are permitted.

### **XII. Drainage**

- 12.1 No person may interfere with the established drainage pattern over any part of the property unless an adequate alternative provision for proper drainage has been approved by the board.

### **XIII. Storage Sheds, Outbuildings, and Structures**

- 13.1 Any storage shed, outbuilding, greenhouse, dog house, playhouses or other added structure shall:
- a. Sheds, Outbuildings and other Structures must be designed to respect the "visual rights" and aesthetic interests of neighbors.
  - b. All Sheds, Outbuildings and other Structures must be maintained in good condition.
  - c. Roof of any Shed, Outbuilding and other Structure must match the roof shingles on existing roof of the home.
  - d. Sheds, Outbuildings and other Structures will be allowed only in fenced area of the backyard.

- e. Sheds, Outbuildings and other Structures may not be visible from adjacent or front of the home.
- f. Exterior surfaces of Sheds, Outbuildings and other Structures made of steel or metal are not permitted.
- g. Specifically regarding Sheds:
  - a. In a rear yard enclosed by a six (6) foot privacy fence, a shed no taller than six (6) foot may be installed.
  - b. In a rear yard enclosed by an eight (8) foot privacy fence, a shed no taller than eight (8) foot may be installed.
  - c. Multi-story sheds designed with loft storage are specifically not allowed.
  - d. The maximum allowable size for any shed is 120 square feet of floor space; and
  - e. Sheds must be made of wood, vinyl siding or brick and painted/colored to match the color of the home or trim.

- 13.2 The ACC reserves the right to determine that the accessory structure is inappropriate or otherwise unsuitable for the Property, and may require the owner to screen it or to remove it. The HOA can require the owner to remove a storage shed or other outbuilding or structure, at the expense of the homeowner if non-conforming.

#### **XIV. Screening**

- 14.1 The Architectural Reviewer may require that the following items must be screened from the view of the public and neighboring lots and dwellings, if any of these items exists on the lot: (1) satellite reception equipment; (2) clotheslines, drying racks, and hanging clothes line, rugs, or textiles of any kind; (3) yard maintenance equipment; (wood piles and compost piles; (5) accessory structure that do not have prior approval of Architectural Reviewer; (6) garbage cans and refuse containers; (7) anything determined by the board to be unsightly or inappropriate for a residential subdivision. Screening may be achieved with fencing or with plant material, such as trees and bushes, or any combination of these. If plant material is used, a reasonable period of time is permitted for the plants to reach maturity as an effective screen. As used in this Section, “screened from view” refers to the view of a person in a passenger vehicle driving on a street or alley, or the view of a person of average height standing in the middle of a yard or an adjoining lot.

#### **XV. Solar Panels**

- 15.1 Solar panels must be submitted for ACC approval. They may be placed on rear or patio side facing roofs and walls, flush with the surface on which they are mounted.

#### **XVI. Antennas**

- 16.1 Television. Each resident of the Property will avoid doing or permitting anything to be done that may unreasonable interfere with the television, radio, telephonic, electronic, microwave, cable or satellite reception on the Property. Antennas, satellite or microwave dishes, and receiving or transmitting towers that are visible from the street or from another lot are prohibited within the Property, except (1) reception-only antennas or satellite dishes designed to receive television broadcast signals, (2) antennas or satellite

dishes that are one meter or less in diameter and designed to receive direct broadcast satellite service (DBS), or (3) antennas or satellite dishes that are one meter or less in diameter or diagonal measurement and designed to receive video programming services via multipoint distribution services (MDS) (collectively, the “Antenna” are permitted if located (a) inside the structure (such as in an attic or garage) so as not to be visible from outside the structure. (b) in a fenced yard, or (c) attached to or mounted on the rear wall of a structure below the eaves. The Association may adopt reasonable rules for the location, appearance, camouflaging, installation, maintenance, and use of the Antennas to the extent permitted by public law.

- 16.2 No radio, citizen band or otherwise, or television aerial wires or antenna shall be allowed anywhere, except those which are fully enclosed within the structure of the house.
- 16.3 No microwave or other satellite dishes, antennas, receivers, or transmitters shall be allowed, except the small satellite dishes to be installed near the rear or side of the house.

## **XVII. Yard, Flower Beds, Trim, Decorations**

- 17.1 Yard Maintenance. Each owner, at the owner’s expense, must maintain the yards on his lot, to a standard and with an appearance that is commensurate with the neighborhood. “Yards” means all parts of the lot other than the dwelling, including unfenced portions of the lot. The area between the alley pavement and the back yard fence, if any is a yard area for which the owner is responsible, regardless of whether some or all of that area is in the alley right-of-way. Specifically, each owner must:
  - a. Maintain an attractive ground cover or lawn on all yards visible from a street or alley.
  - b. Edge the street curbs and alley edges at regular intervals.
  - c. Mow the lawns and grounds at regular intervals.
  - d. Prevent lawn weeds or grass from exceeding 6 inches in height.
  - e. Not plant vegetable gardens that are visible from a street.
  - f. Maintain an attractive appearance for shrubs and trees visible from the street.
  - g. Replace plant material, as needed, to maintain the minimum landscaping requirement of 20 one-gallon shrubs in the front yard.
  - h. Replace trees on parkway, both front and side yards with a minimum of 2” caliper tree.
  - i. Maintain flowerbeds visible from the street to be free of weeds, grass and trash..
- 17.2 Owner’s Default in Maintenance. If the board determines that an owner has failed to properly discharge his obligation to maintain, repair, and replace items for which the owner is responsible, the board may give the owner written notice of the Associations’ intent to provide the necessary maintenance at owner’s expense. The notice must state, with reasonable particularity, the maintenance deemed necessary and a reasonable period of time in which to complete the work. If the owner fails or refuses to timely perform the maintenance, the Association may do so at owner’s expense, which is an individual assessment against the owner and his lot. In case of an emergency, however, the board’s responsibility to give the owner written notice may be waived and the board may take

any action it deems necessary to protect persons or property, the cost of the action being the owner's expense.

### **XVIII. Fences, Fence Extension, Fence Modification, and Walls**

- 18.1 No fence shall be taller than eight feet (8') from the ground.
- 18.2 When a homeowner intends to rebuild, replace or repair an original or previously approved and erected fence to the same color scheme, with similar materials and construction details as used in the original fence or wall, the work may proceed without an application to the ACC. All other fencing plans must be submitted and no work begun until approved by the ACC.
- 18.3 Any staining, or varnishing of fence other than to a previously approved and applied color must be approved by the ACC. Color of brick used on the house and color of neighboring houses are considerations. Bold colors and primary colors are prohibited.
- 18.4 Wood fences may not be painted.
- 18.5 No chain link fence shall be permitted on any lot.
- 18.6 Any fence made of material other than wood or iron shall be closely scrutinized by the ACC and, if approved, shall be consistent with the character of the community.
- 18.7 All fence sections that face the street, whether it be the street in front of the house or a street to the side of the house (i.e. a corner lot), shall have the supporting posts and stringers on the inside of the pickets.
- 18.8 Fences must be maintained in good condition with no loose or broken boards, rusty or squeaky hardware, or other unsightly or noisy conditions.

### **XIX. Driveways, Vehicles, Mobile Homes, Trailers**

- 19.1 Driveways. The driveway portion of a lot may not be used for any purpose that interferes with its ongoing use as a route of vehicular access to the garage.  
A driveway may not be used for:
  - a. storage purposes (including storage of boats, trailers and inoperable vehicles)
  - b. repair or restoration of vehicles
- 19.2 Vehicles. All vehicles on the Property, whether owned or operated by the residents or their families and guests, are subject to the rules adopted by the board. The board may adopt, amend and repeal rules regulating the types, sizes, numbers, condition, uses, appearances and location of vehicles on the Property. The board may effect the removal of any vehicle in violation of this section of the Rules without liability to the owner or operator of the vehicle.
- 19.2a Prohibited Vehicles. The following types of vehicles and vehicular equipment, mobile or otherwise, may not be kept, parked, or stored anywhere on the Property – including overnight parking on the streets and driveways, if the vehicle is visible from a street or from another lot:
  - a. mobile homes
  - b. motor homes
  - c. buses
  - d. trailers

- e. boats
- f. aircraft
- g. inoperable vehicles
- h. commercial truck cabs
- i. trucks with tonnage over one ton

## **XX. Yard Signage**

20.1 Signs. An owner may erect, per lot, one professionally made sign of not more than 5 square feet advertising the lot for sale or for rent. No other sign or unsightly object may be erected, placed, or permitted to remain on the Property or to be visible from windows in the dwelling without the board's prior written approval. The board's approval may specify the location, nature, appearance, dimensions, number, and time period of sign or object. The Association may effect the removal of any sign or object that violates this Section or which the board deems inconsistent with neighborhood standards without liability for trespass or any other liability connected with the removal.

## **XXI. Holiday Decorations and Bird Houses**

- 21.1 Any planned decorative appurtenances such as sculptures, elaborate birdbaths, fountains or other decorative embellishments shall be generally expressive of the community's character and must be submitted to the ACC and approved before placement on front lawns, porches, sidewalks, or elsewhere where visible from the street in front of the house.
- 21.2 Permanently affixed bracket mounted flags, placed near the front entry of the home, are permitted.
- 21.3 Pole mounted bird houses shall not exceed 10 feet in height and are strictly prohibited in the front of the house.
- 21.4 Christmas, holiday, or other festive decorations of a temporary nature for generally recognized Holidays may be implemented without ACC approval. Decorations cannot be installed more than 4 (weeks) prior to the respective holiday and must be removed within two (2) weeks after the respective holiday.

## **XXII. Exterior Lighting**

- 22.1 Exterior lighting shall be of a wattage or lumen count that will not disturb neighboring homeowners.
- 22.2 Exterior decorative lights, security lights, or floodlights must be aimed to provide light only to the homeowner's property and not shine on any neighboring property.
- 22.3 Mercury vapor, fluorescent, or sodium halide lights are not permitted.
- 22.4 Gas or electrical post lights may be erected. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage only. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house, and must follow the paint guidelines. A request must be submitted and approved by the ACC.

### **XXIII. Fires**

- 23.1 Fires. Except for barbecue grills, no exterior fires on the property are permitted.

### **XXIV. Maintenance and Repair Obligations**

- 24.1 Avoid Damage. An owner may not do any work or to fail to do any work which, in the reasonable opinion of the board, would materially jeopardize the soundness and safety of the Property, reduce the value of the Property, adversely affect the appearance of the Property, or impair any easement relating to the Property.
- 24.2 Responsible for Damage. An owner is responsible for his own willful or negligent acts and those of his or the resident's family, guests, agents, employees, or contractors when those acts necessitate maintenance, repair, or replacement to the common areas or the property of another owner.

### **XXV. Miscellaneous**

- 25.1 Animal Restrictions. No animal, bird, fish, reptile or insect of any kind may be kept, maintained, raised, or bred anywhere on the Property for any commercial purpose or for food. Customary domesticated household pets may be kept for personal companionship subject to rules adopted by the board. The board may adopt, amend, and repeal rules regulating the types, sizes, numbers, locations, and behavior of animals at the Property. If the rules fail to establish animal occupancy quotas, no more than 4 dogs or cats, or a combination thereof, may be maintained on each lot. Pets must be maintained inside the dwelling, and may be kept in a fenced yard only if they do not disturb residents of other lots. Resident is responsible for the removal of his pet's wastes from the Property. A resident must prevent his pet from relieving itself on the common area or the lot of another owner.
- 25.2 Annoyance. No lot or common area may be used in any way that: (1) may reasonably be considered annoying to neighbors; (2) may be calculated to reduce the desirability of the Property as a residential neighborhood; (3) may endanger the health or safety of residents or other lots; (4) may result in the cancellation of insurance on the Property; or (5) violates any law. The board has the sole authority to determine what constitutes annoyance.

### **XXVI. Sports Goals and Related Objects**

- 26.1 Basketball goals must be mounted on a rear-facing garage or placed on the side of a rear-entry driveway and must not be visible from the street in front of the house.
- 26.2 Basketball goals may not be erected in the front or side yard of the house.
- 26.3 If the backboard is mounted onto the roof by use of a mounting structure, the mounting structure must be painted to match the roof shingle color.
- 26.4 The basketball goal backboard, net and post must be kept in usable condition and acceptable appearance.

- 26.5 Basketball goals not properly maintained will be required to be removed at the homeowner's expense.
- 26.6 Portable goals are allowed in accordance with the foregoing guidelines.
- 26.7 Portable goals shall not be used so that play occurs in the street or alley.
- 26.8 Basketball goals, whether permanent or portable, must be located so that stray basketballs do not become a nuisance in adjacent neighbors' yards or cause a safety hazard to vehicle traffic.
- 26.9 Soccer goals, lacrosse goals, or similar recreational items may not be permanently placed in the front yard of the house or so that play occurs in the street or alley.

## **XXVII. Recovery of Costs**

27.1 Recovery of Costs. The costs of curing or abating a violation are at the expense of the owner or other person responsible for the violation. If legal assistance is obtained to enforce any provision of the Documents, or in any legal proceeding (whether or not suit is brought) for damages or for the enforcement of the Documents or the restraint of violations of the Documents, the prevailing party is entitled to recover from the non-prevailing party all reasonable and necessary costs incurred by it in such action, including reasonable attorneys' fees.