

**COUNTRY CREEK ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

1

**ARTICLE I - PURPOSE**

- A. All of the standards prescribed in these guidelines and in the Association's Declaration of Covenants, Conditions and Restrictions (Covenants) are adopted for the purpose of:
  - 1. Maintaining architectural harmony and beauty,
  - 2. Preservation of a safe, healthy environment, and
  - 3. Maintenance and improvement of property values.
- B. These guidelines have been designed to assist the Architectural Control Committee (ACC) in the accomplishment of the above objectives.

**ARTICLE II - GENERAL**

- A. The Architectural Guidelines herein are provided as a supplement to the Covenants which each homeowner received at the time of settlement. The intent of the guidelines is to assist homeowners in obtaining approval for alterations and/or additions to their property.
- B. Homeowners are advised that all major exterior home improvements as defined and identified herein shall be approved by the ACC prior to the beginning of construction or alteration. Approval of changes in no way is a determination of structural stability or safety or compliance with local, county or state guidelines, codes or building standards.
- C. These guidelines apply to all occupants of the Country Creek Association, Inc. including renters. It is a property owner's responsibility to provide renters of his property with a copy of these guidelines. Any reference in these guidelines to a homeowner includes a reference to a renter where appropriate.
- D. These guidelines are not intended to be all encompassing. Questions regarding interpretation of the guidelines should be directed to the ACC. Exterior Home Improvements are not limited to the items listed in the guidelines.

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**COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

2

- E. Each homeowner is fully responsible for any damage to the common areas or neighboring property caused by the homeowner, the homeowner's family, tenants, guests, or hired contractors.
- F. The homeowner is responsible for maintaining the exterior appearance of his unit in harmony with the community. This applies to outside repair, paint preservation, paint color schemes, removal of obstructions, dead trees, or nuisance plantings.

**ARTICLE III - COMMITTEE PROCEDURES**

- A. The ACC will consist of at least three members appointed by the Board of Directors.
- B. Approval of a request for architecture improvement requires a majority vote of the ACC members. The failure to obtain a majority vote in favor of approval shall result in the committee disapproving the application within the thirty day deadline. A majority of the ACC or the chair of the ACC may request a meeting to act upon an application. A 40% quorum must be present at the beginning of such a meeting (if a quorum is not obtained, the committee may act by majority vote of its entire membership without a meeting). The chair shall notify the committee members by telephone at least 2 business days before any such meeting. Approval of an application at a committee meeting requires a majority vote of the committee members present. Application procedures are delineated in Article VI beginning on page 8.
- C. The ACC is responsible for submitting new guidelines and making revisions to existing guidelines for approval by the Board of Directors.

**ARTICLE IV - DEFINITIONS**

**A. EXTERIOR HOME IMPROVEMENT**

All exterior additions, alterations, modification and changes to a home or lot (including front, back, and side yard) will constitute an "exterior home improvement".

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**COUNTRY CREEK ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

3

**B. CHANGES NOT IN HARMONY ARE PROHIBITED**

Any change which is not in harmony with the Covenants and these guidelines is prohibited. "Not in harmony" is defined as any exterior home improvement which is conspicuous and not in conformance with the character of the community. Specific illustrations of changes which are not in harmony are provided in the guidelines in Article V.

**C. MAJOR EXTERIOR HOME IMPROVEMENT REQUIRES ACC APPROVAL**

Homeowners must obtain approval of the ACC as provided in Article VI below prior to beginning making all major exterior home improvements. All major exterior home improvements must be in harmony with the character of the community. Specific illustrations of major home improvements are provided in the guidelines in Article V.

**D. NO APPROVAL REQUIRED FOR MINOR HOME IMPROVEMENT**

Homeowners need not obtain ACC review or approval for minor exterior home improvements. Specific illustrations of minor home improvements are provided in the guidelines in Article V. If the homeowner is uncertain about whether a change is a major or minor improvement, he may contact a member of the Committee for informal guidance. In order to obtain a formal determination, a homeowner must follow the procedures provided in paragraph E, immediately below.

**E. FORMAL DETERMINATIONS**

If the homeowner desires a formal determination concerning whether a change is not in harmony or whether a change is a major exterior home improvement or a minor exterior home improvement, the homeowner may submit a request for determination. Requests for a formal determination concerning whether a change is a major exterior home improvement or a minor exterior home improvement must be submitted in writing to the ACC. The ACC may require additional information before issuing a determination. The ACC will attempt to provide a written notice of determination within thirty (30) days after the submission of all information,

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**COUNTRY CREEK ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

4

including any additional information requested by the ACC.

**ARTICLE V - EXAMPLES OF HOME IMPROVEMENTS**

The examples in this Article V are illustrations of the types of exterior home improvements, listed by type of improvement, which are considered "not in harmony" (prohibited), major exterior home improvement (approval required) or minor exterior home improvement (no approval required).

**A. Painting**

1. Not in Harmony (prohibited)
  - a. Painting of exterior brick surfaces.
  - b. Painting or staining of fences.
  - c. Painting or staining of decks.
  - d. Painting or staining of edging which surround gardens, plants or trees
  - e. Exterior color changes which are different from original color scheme or changes of material of townhouse.
  - f. Unpainted doors.
2. Minor Home Improvement (No Approval Required)
  - a. Repainting of structure in the original color.
  - b. Painting or staining of fences or decks with a clear preservative.
  - c. Painting of exterior basement walls to match existing exterior siding.
  - d. Replacement of shutters with wood or plastic of same size, design and color.

**B. Fences, Screens, Gates and Retaining Walls**

1. Not in Harmony (prohibited)
  - a. Fences in front yards, except on side of end units of Scarborough and Artery sections with a side entrance.
  - b. Removal of existing fences and gates.
  - c. Painted or stained fences and gates.
  - d. Use of material other than wood in fences and gates.
  - e. Use of wood other than pressure treated wood for fences and gates.

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COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

5

2. Major Home Improvement (Approval Required)
  - a. All changes, modifications or construction of fences, screens, gates and walls not in minor category. (The proposed extension or alteration of any fence and gate must match the style and height of the existing fence and gate). This includes all side yard fencing and gates.
  - b. Fence or screening on the inside bottom of an existing fence to retain children or pets (other than in the minor category).
  - c. The building of any retaining wall.
3. Minor Home Improvement (No Approval Required)
  - a. Extension, maintenance or repair of fences and gates to property lines provided it matches the existing fence and gates in style, height, and is constructed with pressure treated wood.
  - b. Fence or screening (green or metallic in color) on the inside bottom of an existing fence to retain children or pets.

C. Storm Doors

1. Not in Harmony (prohibited)
  - a. Storm doors with:
    - (1) Baked white enamel.
    - (2) Baked colored enamel not matching the existing color of the front door (except in Sutton Oaks, storm doors must be brown).
    - (3) Anodized aluminum finish
2. Major Home Improvement (Approval Required)
  - a. Any storm door not in the minor category.
3. Minor Home Improvement (No Approval Required)
  - a. Sutton Oaks - Full view storm doors, color of the door to match storm windows (brown).
  - b. All other sections - Full view storm door the same color as the front door.

D. Landscaping and Plantings

1. Not in Harmony (prohibited)
  - a. Trees, hedges and shrubs which restrict line of sight for vehicular traffic.

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**COUNTRY CREEK ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

6

- b. Vegetable plants and/or gardens outside fenced area.
  - c. Strangling vines (including but not limited to, wisteria and kudzu), poison ivy and other hazardous trees or plants. Bamboo not in an adequate container, where it can spread. Bamboo planted in the ground.
  - d. Flower boxes attached to the front or side of the house.
  - e. Edging around gardens, plants or trees which is painted or stained.
  - f. Edging around gardens, plants or trees which is plastic, metal or any other material other than natural wood, stone or brick.
  - g. Dead, sick, or substantially damaged trees, stumps, plants, shrubs or vegetation.
  - h. Grass exceeding six (6) inches in height.
  - i. Hedges and/or shrubs (planted in a hedge-like manner) which extend more than three (3) feet from the following:
    - (1) The lead walk to the townhouse
    - (2) Front wall
    - (3) End wall of an end townhouse
    - (4) Along the side and rear fence.
  - j. Flower beds which extend more than three (3) feet outside the fence.
2. Major Home Improvement (Approval Required)
- a. All trees planted inside or outside the fenced in area. Trees approved for planting in the common area become the property of the Association.
  - b. Hedges and/or shrubs (planted in a hedge-like manner) which border which do not extend more than three (3) feet from the following:
    - (1) The lead walk to the townhouse
    - (2) Front wall
    - (3) End wall of an end townhouse
    - (4) Along the side and rear fence.
  - c. Removal of front or side yard grass.
  - d. All vines except those described in D.1.c. above and in D.3.d. below.
  - e. Flower beds which do not extend more than three (3) feet outside the fence.

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**COUNTRY CREEK ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

7

3. Minor Home Improvement (No Approval Required)
  - a. Plants and flowers not described above.
  - b. Construction, extension or alteration of flower bed not more than three (3) feet from the:
    - (1) Lead walk to the townhouse
    - (2) Front wall
    - (3) End wall of an end townhouse
    - (4) Side and rear entrance
  - c. Individual shrubs in existing flower beds.
  - d. Ivy used as a ground cover in a contained area.

**E. Decks, Patios, Awnings, and Sidewalks**

1. Not in Harmony (Prohibited)
  - a. Awnings on the front, side or rear of the townhouse.
  - b. Decks and patios outside the fenced in area.
  - c. Painted or stained decks.
  - d. Use of wood other than pressure treated wood
2. Major Home Improvement (Approval Required)
  - a. Concrete work inside or outside the fenced in area.
  - b. Decks and patios inside the fenced in area.
3. Minor Home Improvement (No Approval Required)
  - a. Repair of existing deck, patio or concrete sidewalks.
  - b. Umbrellas attached to tables not exceeding eight feet in height above the base of the table.

**F. Play equipment**

1. Not in Harmony (Prohibited)
  - a. Bicycles or other portable items of personal property deposited or remaining in area outside of fenced in area.
  - b. Permanent and semi-permanent play equipment such as sand boxes, swings, slides, playhouses, etc. erected outside the fenced in area.

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COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

8

2. Major Home Improvement (Approval Required)
    - a. Permanent and semi-permanent play equipment such as sand boxes, swings, slides, playhouses, etc. greater than the fence height erected inside the fenced in area.
  3. Minor Home Improvement (No Approval Required)
    - a. Permanent and semi-permanent play equipment such as sand boxes, swings, slides, playhouses, etc. less than fence height erected inside the fenced in area.
- G. Chimney/Flue for Fireplaces and Wood Stoves
1. Not in Harmony (Prohibited)
    - a. New chimney/flue for fireplace or wood stove.
  2. Major Home Improvement (Approval Required)
    - a. Replacement of existing fireplace chimney/flue.
  3. Minor Home Improvement (No Approval Required)
    - a. Maintenance of fireplace chimney/flue.
    - b. Addition of chimney cover.
    - c. Wood stoves may be placed in existing fireplaces.
- H. Sheds
1. Not in Harmony (Prohibited)
    - a. Metal sheds
    - b. Sheds extending more than six inches above the fence line.
  2. Major Home Improvement (Approval Required)
    - a. All sheds
- I. Drainage
1. Not in Harmony (Prohibited)
    - a. Changes in drainage patterns which increase the natural flow of water into another homeowner's lot.
    - b. Unburied drainage pipes connected to downspouts outside fenced areas.

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**COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

9.

- J. Miscellaneous Items Not in Harmony (Prohibited)
1. Exterior Cable TV lines may not be damaged, moved, or extended.
  2. Exterior lighting which is directed outside the boundaries of a lot. Addition of any exterior lighting exceeding 300 watts.
  3. Exterior antennas and exposed antenna wires.
  4. Any items stored outside of the fenced in area, including garbage cans and firewood.
  5. Except as provided in paragraph 6 below, the erection of signs or posts of any nature which are larger than 1 square foot.
  6. One sign for the sale or rent of real estate in the yard and three temporary directional signs to lead traffic from the main thoroughfares to the lot/unit is allowed.
  7. Any building, structure, fence or wall not built by the Association and any vehicular access to the common areas not authorized by the Association.
  8. Any exterior clothesline or clothes hanging device.

**ARTICLE VI - APPLICATION PROCEDURES**

**A. REQUESTS FOR PRELIMINARY APPROVAL**

As set forth in Article VIII of the Covenants, homeowners must submit requests for architectural changes in writing and with the plans and specifications showing the nature, kind, shape, height, materials, color and location of the changes to the ACC prior to the initiation of such changes. The ACC will provide written notice of approval or disapproval within thirty (30) days after submission. If the ACC does not take action within the thirty (30) day period, the request for preliminary approval is considered to have been approved.

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**COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

10

**B. FINAL APPROVAL FOR DECKS**

Prior to construction of a deck, the homeowner must, after obtaining the required county permits, submit a copy of the plan stamped approved by the County of Fairfax and a copy of the building plat to the ACC. The ACC will provide written notice of approval or disapproval by within fifteen (15) days after submission. If the ACC does not take action within the fifteen (15) day period, the change is considered to have received final approval.

**C. ENFORCEMENT**

The Committee will make recommendations to the Board of Directors concerning the appropriate action to be taken by the Board of Directors in cases where these procedures are not followed, including but not limited to, letters of reprimand, impeachment from Association offices or committee positions, suspension of voting privileges, requiring the repairs or alterations be made by the owner, or removing the improvement at the owner's expense (which expense may be collected by placing a lien on the owner's property as provided in Article IX of the Covenants).

**D. APPEALS**

Homeowners may appeal disapproval of their request for preliminary approval or final approval to the ACC in person. If they do not then gain approval they may appeal to the Board of Directors in writing or in person. The Board will make a decision within forty five (45) days, and the homeowner will be notified of the decision. The Board will be the final authority.

**E. INSPECTIONS**

The ACC may make periodic and final inspections of work in progress to insure its timely completion and conformity with the approved application for the purposes of maintaining harmony within the community (the ACC does not inspect to insure compliance with county code or accepted building standards).

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COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

11

ARTICLE VII - AFFIRMATIVE DUTIES

- A. Fences. The homeowner has a duty to replace or repair a fence that is substantially damaged. The repair or replacement must match the style and height of the existing fence and be built with pressure treated wood.
- B. Trees. Dead trees and stumps must be removed and replaced with an ornamental tree with a small root ball such as dogwood or flowering cherry. The homeowner must obtain ACC approval, in the manner specified in Article VI, for the replacement tree. The ACC may determine that the replacement of the tree is not necessary. The homeowner must prune trees which obstruct the sidewalk.
- C. General Maintenance Obligations. The homeowner will maintain their property in a manner which is in harmony with the community. This includes making necessary painting of doors and walls, making roof repairs, and keeping the property free of debris.

ARTICLE VIII - VIOLATIONS

- A. All major exterior home improvements not approved by either the Committee or the Board of Directors or any home improvement not in harmony with the character of the community will result in the initiation of the enforcement powers by the Board of Directors. If the violation has not been corrected within thirty (30) days, any costs incurred in conjunction with enforcement, including reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property equal in priority to the lien set forth in Article IX, Page 12, of the Declaration of Covenants, Conditions and Restrictions.
- B. The Board of Directors may not take any action to enforce these Guidelines with the exception of Sections C and D of this Article until it has provided for a hearing with the homeowner.
- C. Plant Life.

Twenty days after the ACC provides notice to a homeowner (which sets forth the guideline violation and the requested action), the Board of Directors may cut,

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COUNTRY CREEK ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

12

trim, prune or remove any plant life which the Board finds violates a specific section of these guidelines. The financial obligation for this enforcement action will be borne by the homeowner and if not paid within thirty (30) days will constitute a continuing lien on the property as provided in Article IX, page 12 of the Covenants.

D. Vacant Property.

Subsequent to notice similar to that set forth in the above section, the Board of Directors may care for vacant property so as to do any and all things necessary to keep the property in neat and good order. The financial obligation for this enforcement action will be borne by the owner and if not paid within thirty (30) days will constitute a continuing lien on the property as provided in Article IX, Page 12 of the Covenants.

E. In the event of any difference between these guidelines and the Covenants, the Covenants control.

ARTICLE IX - EFFECTIVE DATE

These guidelines have been approved by a majority vote at a meeting of the Board of Directors held on the 15th day of November 1993, and are effective immediately upon enactment. As a general rule, the ACC will allow changes that need to be made to conform with these new guidelines to be made at the next time construction, maintenance or replacement is necessary. However, the ACC may require changes that were not properly approved to be corrected sooner if such sooner change is necessary to maintain the harmony of the community.

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