

SUMMERLAKE HOMES ASSOCIATION
RULES AND REGULATIONS

Date Adopted: _____

WHEREAS, the Declaration and Bylaws for Summerlake Homes Association gives the Board of Directors all of the powers necessary for the administration of the affairs of the Association, including the power to adopt, promulgate, and amend any Rules and Regulations deemed necessary and in the best interest of the Association, provided such Rules and Regulations are not in conflict with the Code of Virginia, the Declaration, or the Bylaws. The Rules and Regulations are adopted as follows:

PREAMBLE

As a community, it is necessary to live with guidelines which respect the rights of the individual Owners as well as the interest of the majority. To effectuate this, it is necessary to establish rules of conduct and use by which all residents will be governed. The rules are not intended to restrict individuality, but, rather, to respect the right of all of the members to peaceful access and use of their homes. Each resident is expected to know and willingly follow the rules.

Remember, it is the fiduciary responsibility of your Summerlake Homes Association Board of Directors to protect, preserve, maintain and enhance the Association's investments and assets and to advance the reputation and desirability of our community.

ROLE OF THE ARCHITECTURAL CONTROL COMMITTEE ("ACC")

The Summerlake Declaration and Bylaws grant the Board of Directors with the authority to establish and appoint an Architectural Control Committee, which shall approve all exterior additions or changes to the homes and properties of Summerlake Homes Association. With the exception of non-payment of assessments, the ACC shall also have the authority to determine if any Owner, resident or guest is in violation of the Association's governing documents. The Committee will apply the guidelines and interpret the following Rules and Regulations:

Rules and Regulations

1) General

- a) All use of the property comprising the Association Property shall be in accordance with the provisions of the governing documents of the Association as well as adhering to Federal, State and City laws.
- b) These Rules and Regulations shall apply to each Owner, his family and his or their guests, employees, agents and lessees and their guests, employees and agents. Each Owner shall be responsible for the actions of such family, guests, employees, agents and lessees.
- c) The Board of Directors reserves the rights to amend, repeal, or add to these Rules and Regulations, from time to time, as it deems necessary.

2) Occupancy

- a) A Lot shall be used for residential purposes only and not as a place for business or other non-residential purposes without prior written approval of the Board of Directors.
- b) All Owners are responsible for their conduct, as well as the conduct of any occupants of his Lot, ensuring the Association that their behavior is neither offensive to any other resident or guest, nor damaging to any portion of the Common Areas or other Lots. Owners are also responsible for the behaviors of children, guests, and pets that are on Association property.
- c) Nothing shall be done or kept upon any Lot or in the Common Area which will increase the rate of insurance for the Property, or the contents thereof, applicable for residential use, without the prior written consent of the Board of Directors. No Owner shall permit anything to be done or kept in upon his Lot or on the Common Area which will result in the cancellation of insurance, or the contents thereof, or which would be in violation of any law. No waste will be permitted upon the Common Areas.
- d) No immoral, improper, offensive, or unlawful use shall be made upon on any Lot or the Common Areas, and all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations, or requirements of any governmental agency having jurisdiction thereof, relating to any portion of the Property, shall be complied with.
- e) If any Owner is unable to control the conduct of their tenants or guests, the Board of Directors, may require the Owner to immediately remove such persons from occupancy, without compensation for loss of rentals or any other resulting damages or the Association shall exercise its right to evict the tenant pursuant to the applicable provisions of the Declaration.
- f) All sidewalks and entrances shall not be obstructed or used for any other purpose than ingress and egress.

3) Nuisance

- a) Residents and guests shall exercise extreme care in making noises or using musical instruments, radios, televisions, tape-players, amplifiers or other noise producing instruments that may disturb other residents. The foregoing shall also apply to noise producing instruments contained in any motor vehicle.
- b) No obnoxious or offensive activity shall be carried on upon any part of the Property nor shall anything be done thereon which may be or may become, an annoyance or nuisance to the Owners or which shall in any way interfere with the quiet enjoyment of any Owner or resident or which shall in any way increase the rate of insurance carried by the Association for the benefit of the Owners.
- c) The Association encourages residents to call Newport News Law Enforcement's local precinct NON-Emergency number (757-247-2500) to file LEGITIMATE concerns regarding neighborhood incidents which could be a nuisance or potentially harmful in nature. An officer may investigate the situation and may preserve caller anonymity. The call will be documented and put on file in the Association's records as well.

4) Architectural Control Guidelines

a) The following Items do NOT Require ACC Approval:

- i. Painting of trim or shutters with the same color to those used by the builder in the community.
- ii. Replacement of existing gutters, downspouts or siding with the same style and color used by the builder in the community.
- iii. Wood or brick sheds that are no higher than eight feet (8') and placed in the rear of the lot so as to not be visible from any street in the community.
- iv. Replacement of existing driveways and sidewalks using the same type of materials used in the community by the builder (i.e. replacing a concrete driveway with a concrete driveway).
- v. Installation of flagpoles or front yard lamp posts.
- vi. Basketball backboards that do not cause trespass onto neighboring yards or cause a nuisance within the community.
- vii. Wood or brick landscaping items that are not higher than three (3) feet for the front yards or eight (8) eight for the rear or side yards, such as gazebos, trellises, raised flower beds.
- viii. Retractable clotheslines placed in the rear of the property so as not to be visible from any street.
- ix. Customary landscaping such as addition of flowers, trees or shrubs.
- x. Playground equipment placed in the rear of the property so as not to be visible from any street.
- xi. Uncovered decks placed in rear yard of the property that are not visible from the front of the Lot.
- xii. Wood or brick fences marking the rear and side lot boundaries that
 - (1) Are no higher than six (6) feet;
 - (2) Meet City Code requirements;
 - (3) Do not extend from the rear of the Lot past the midpoint at the side of the house;
 - (4) For privacy fences, those that do not front an adjoining neighbor's property;
 - (5) A wire mesh screen of neutral color is permitted to be used on the inside of a split-rail fence.

b) The following items DO require ACC Approval:

- i. Any items that do not meet the criteria in Section 4, subsection "a" above.
- ii. In-ground pools placed in the back yard that meet city code requirements.
- iii. Fences that do not meet the criteria in Section 4, subsection "a" above.
- iv. Screened-in porches or screened-in decks.
- v. Greenhouses, including window units.
- vi. Exterior room additions.
- vii. Solar collectors.
- viii. Exterior chimneys from wood or coal stoves or additional fireplaces.
- ix. Tree houses
- x. Any structure placed in the back yard that is of a height greater than eight (8) feet or covers an area in the back yard that greater than one hundred (100) square feet.
- xi. Any structure placed in the front yard that is higher than three (3) feet or is not made of wood or brick.

- xii. Any change that results in the removal of one-third (1/3) of the sod in the front yard (e.g. turning the front yard into a rock garden).
- c) For items requiring approval, any such approval shall be at the sole discretion of the Architectural Control Committee. Furthermore, the Architectural Control Committee shall have the authority to determine if any modifications made to any Lot pursuant to Section 4, subsection “a” falls within the category of NOT needing approval.
- d) The following items shall be deemed strictly prohibited:
 - i. Painting of brick upon any home.
 - ii. Signs advertising professional services other than one “for sale” or “for rent” sign or temporary signs advertising yard sales.
 - iii. Metal sheds unless the shed is placed in the back yard and shielded from view by an approved fence.
 - iv. Chain link fences, except that the back portion of an otherwise wood or brick fence may be chain link if the ACC determines that landscaping at the rear of the lot shields the chain link section from view from neighboring properties.
 - v. Above-ground pools higher than three (3) feet unless the pool is placed in the back yard and shielded from view by an approved fence in the back yard.
- e) Architectural Control Committee Approval Guidelines
 - i. Before undertaking any construction or modification that is of the type requiring ACC approval, Owners must request such approval in writing from the ACC.
 - ii. For larger projects including but not limited to room additions, fence installations, etc., additional information such as project sketches, blueprints, and a list of materials to be used must accompany the application.
 - iii. For smaller projects, such as painting or replacing exterior items that do not match the builder’s material, the Owners must submit the color scheme or material that he or she is wishing to use to replace the builder’s materials.
 - iv. Homeowners failing to supply adequate information will be asked by the ACC to provide more details on the project.
 - v. Construction, modifications or additions may not commence until approved by the ACC.
 - vi. In cases where an Owners written application is denied by the ACC, the ACC may ask the homeowner to modify his or her alteration plans so that project may be given approval. Where such compromises are made by the ACC, they should *not* be considered as new de facto architectural standards.
- f) Appeal of ACC Decision
 - i. For any Owner who is denied approval from the ACC, he or she may request that the Board of Directors review the ACC’s decision.
 - ii. A letter appealing the ACC’s decision should be sent to the Board of Directors.
 - iii. The Board will consider the matter at its next regularly scheduled monthly meeting and issue its decision within thirty (30) days after the meeting.
 - iv. The Owner may attend the meeting, if desired, to verbally present his or her case to the Board; however, the homeowner should give notice if he or she plans on attending so that the Board may place the matter on the agenda during an appropriate time.

- 5) Repair and Storage of Automobile Vehicles** – No inoperable, unlicensed, or abandoned motor vehicle of any type shall be parked or stored upon any Lot and no portion of the Lot shall be used for any substantial repair, overhauling, painting, or work of a similar nature on any motor vehicle, routine maintenance being specifically permitted.
- 6) Temporary Structures** – No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot as a temporary residence.
- 7) Heating and Air Conditioning Equipment** – No air conditioning or heating equipment shall be placed in front of any residence, and no storage tanks erected above the ground shall be permitted with the exception of solar heating or energy panels or collectors which shall be allowed on the front roof portion of dwellings.
- 8) Pumps and Drainage** – No lot owner shall install or operate a pump which draws water from the lake located in the common area and no lot owner shall, at any time, channel, discharge, or dump any fluid or material into said lake.
- 9) Pets**
- a) All pets must be sufficiently under control at all times so they do not become a nuisance to other Owners or other residents, and pets shall not be allowed to make or cause noises of excessive volume.
 - b) All pets must be licensed as required by law.
 - c) No pet shall be tied or leashed to any part of the Common Areas.
 - d) No pet shall be left unattended in the front of an Owners' Lot or any part of the Common Areas.
 - e) All pets are to be restrained on a leash, not to exceed six (6) feet, and must be under the control of a responsible adult when in the Common Areas.
 - f) Owners are responsible for the actions of their pets and the pets of their tenants or guests, including any damage to landscaping or other portions of the Common Areas.
 - g) Pet urination and defecation on landscaping and common property is harmful. Pet feces must be removed and properly disposed of immediately! Charges may be assessed against violators.
 - h) Owners must comply with all applicable guidelines and restrictions of the City of Virginia Beach with respect to pets.

10) Limitation of Use

- a) The Association shall be entitled to promulgate and enforce such regulations as shall be deemed necessary to the orderly use and enjoyment of the Common Area by the owners.
- b) Anything herein to the contrary, notwithstanding, no boats, rafts, bikes, mopeds, or vehicles of any kind powered by an engine or motor shall be allowed within the Common Area except for maintenance equipment, vehicles or craft, and no owner shall be allowed to erect or maintain a pier or dock on any lot fronting on lakes or ponds within the Common Area.

ADOPTED by the Summerlake Homes Association Board of Directors this ____ day of _____, 20__ as evidenced by the signatures of the President and Secretary below.

By: _____
President

COMMONWEALTH OF VIRGINIA
CITY OF _____, TO WIT:

I, _____, a Notary Public in and for the City aforesaid, in the Commonwealth of Virginia, do hereby certify that _____, President, Summerlake Homes Association, whose name is signed to the above resolution bearing date on the ____ day of _____, 20__, has acknowledged the same before me in my City aforesaid.

Given under my hand this ____ day of _____, 20__.

NOTARY PUBLIC

My commission expires:
My registration number is:

Attest: _____
Secretary

COMMONWEALTH OF VIRGINIA
CITY OF _____, TO WIT:

I, _____, a Notary Public in and for the City aforesaid, in the Commonwealth of Virginia, do hereby certify that _____, Secretary, Summerlake HOMes Association, whose name is signed to the above resolution bearing date on the ____ day of _____, 20__, has acknowledged the same before me in my City aforesaid.

Given under my hand this ____ day of _____, 20__.

NOTARY PUBLIC

My commission expires:
My registration number is: