

# **Millwood Architectural Review Committee (ARC)**

**April 2007**

The Millwood Architectural Review Committee has been established by the Millwood Service Corporation as per Declarations of Restrictions Applicable to Millwood (hereinafter “deed restrictions”). Sections 3, 4, & 5 of the deed restrictions outline the structure and authority of the ARC. Please refer to your deed restrictions for specifics, but the following points summarize the guidelines.

- The powers and duties of the ARC are vested in the Millwood Service Corporation
- The ARC is made up of at least one (1) but no more than three (3) individuals in “Good Standing” with the Millwood Maintenance Corporation.
- A two-thirds (2/3) majority vote is required for approval of all matters submitted to the ARC or require ARC approval.
- There is an extensive list of items that require ARC approval (see section 3 in appendix)
- There are NOT any guidelines given on which to base an approval (or disapproval)

*Essentially, this means that the ARC has wide discretionary powers to make decisions, and per the deed restrictions, can do so without offering any explanation or reasoning.*

## **PURPOSE**

The original purpose of the Architectural Review Committee, as written in the deed restrictions, was to ensure that the homeowners do not make any changes to their properties that may impact the value or marketability of adjoining properties. It is clearly in the best interest of the developer to maintain strict control over any modifications that may negatively impact the value of the properties that they are marketing. Now that the ARC has been turned over to the Millwood Service Corporation, the purpose of the ARC is still to maintain the appearance and value of the neighborhood. However, the process for granting approvals must be modified so that the current and future committees can fulfill this purpose without placing undue burden on the committee or the homeowners. The purpose of this document is to outline the architecture review process and to communicate Guidelines to ensure that the ARC meets the following goals.

- To establish a consistent review process for maintaining the architectural integrity/appearance of the neighborhood
- To remove the subjectivity of the review process by establishing clear guidelines
- To make the process reasonable, user-friendly, and practical to administer
- To meet the expectations of current and future residence of Millwood

## **ARCHITECTURAL REVIEW PROCESS**

The ARC has developed Guidelines, which are subject to review and approval by the homeowners in Millwood. The purpose of the guidelines is to clearly outline when ARC review is required and on what basis approvals/refusals will be made.

When ARC review is required, an ARC request form, and all plans and specifications must be submitted to one of the three current members of the ARC Committee.

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**Article 3 of the deed restrictions states:** The ARC shall have thirty (30) days from the actual receipt of written submission of said plans and like matters as aforesaid sent by the United States Postal Service, registered mail, or other request requiring ARC approval sent by United States Postal Services, registered mail, to review said plans and like matters as aforesaid. Failure of the ARC to respond within such time shall be deemed as approval.

**Article 6 of the deed restrictions states:** All construction, building, electrical, heating, air conditioning, plumbing and any and all other work must be performed in accordance with the applicable laws, rules and regulations governing the same and shall be subject to inspection and approval by properly authorized inspectors.

The ARC will approve or disapprove request based on: the deed restrictions, the ARC Guidelines, and the judgment of the ARC members. A majority vote of the 3 person committee is required for the decision. Note: The homeowner is responsible for all Federal, State, and County codes/laws, which supersede all ARC rulings

**All approvals are valid for one year from the date of the approval letter. If homeowners have not completed their alterations, improvements, or construction approved by the Millwood ARC within one year of the approval letter the homeowner must resubmit their plans to the ARC for re-approval.**

If the homeowner wishes to contest the ruling, The Millwood Service Corporation Board of Directors will make a decision on the appeal. If a homeowner still does not agree with the decision, the deed restrictions outline a procedure to appeal an ARC decision using arbitration.

### **ENFORCEMENT**

Enforcement of the guidelines and Deed Restrictions is not the responsibility of the ARC. The deed restrictions clearly outline the enforcement actions that the Millwood Service Corporation can take to enforce the deed restrictions.

Any modifications that have been made without Stover or ARC approval are subject to enforcement by Millwood Service Corporation.

The following architectural review guidelines were communicated by Stover Builders to homeowners and have been adopted into the new Guidelines:

#### **Request for Approval: Shed\*, Garage, Addition**

1. Roofing to match house
2. Painted or sided to match house (No T-111)
3. Placement (shed back corner of property) plot plan with location submitted
4. 10 foot utility access/right of way
5. Plans submitted

\* Dog Kennels are not permitted in Millwood

#### **Request for Approval: Fence**

1. Approved type (no chain link or stockade)
2. Type of wood/material # Rails
3. Placement not to extend beyond house to front yard

#### **Request for Approval: Pool**

1. In ground only
2. Placement/plot plan submitted
3. Company/design
4. Sq. Ft. of complex

In the event of any dispute between the ARC and any homeowner in Millwood over the requirements of the ARC guidelines, the ARC will turn over the dispute to the MSC Board of Directors. The MSC Board of Directors will make the final decision on the dispute. Article 5 in the deed restrictions provides the procedure for arbitration if the homeowner is still not satisfied with the decision from the MSC.

### **STOVER BUILDERS NORTHERN DIVISION ARCHITECTURAL BOARD**

Any requests that were previously *approved* by Stover Builders Architectural Board are recognized by the Millwood ARC. However, the Millwood ARC has the authority to refuse future requests for similar modifications made by other homeowners

## **Architectural Review Committee Construction Specifications**

### **ARC APPROVAL REQUIRED**

#### **MAJOR ALTERATIONS**

Major exterior alterations are generally considered to be those which alter the existing structure either by subtraction and/or addition. Major exterior alterations include, but are not limited to, construction or removal of: porches, rooms, fireplaces/chimneys, doors, windows and other additions to a home.

The design of major exterior alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major exterior alterations should not significantly impair the views, or amount of sunlight and natural ventilation on adjacent properties. Pitched roofs should match the slope of the roof on the applicant's house. Asphalt shingles and Vinyl Siding must match the color and construction of existing material. New windows and doors should match or integrate well with the type used in the applicant's house and should be located in a manner which will relate well to the location of exterior openings in the existing house. Construction materials must be stored so that impairment of views from neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

#### **AWNINGS**

All awnings require ARC approval and must meet the following minimum criteria:

- **Location:** No front yard awnings will be permitted. The ARC will only approve exterior retractable awnings on the rear of homes to shield a patio exposed to the sun.
- **Scale and Style:** Awnings must be retractable, and shall be clearly compatible with the architectural design and qualities of the home. The awning must be consistent with the visual scale of the house to which the awning is attached.
- **Materials and Color:** Awnings and frames or structural supports should be compatible with the color scheme of the house.

#### **GARAGES**

The deed restrictions allow for the construction of a detached garage. The ARC review process will take many factors into account for detached garages depending on each location. The "Major Alterations Guidelines" will apply. The location and construction must comply with County Building Codes.

## **DECKS, AND GAZEBOS**

All decks and gazebos require ARC approval and must meet the following minimum criteria:

- **Location:** Decks and gazebos must be located in rear yards.
- **Scale and Style:** Decks and gazebos must be of a scale and style that is compatible with the home to which they are attached, adjacent homes and the environmental surroundings.
- **Materials:** All decks, and gazebos, including rails, stairs, landings, supporting posts, fixed seating, planters and other similar accessories, must be constructed only of cedar or pressure treated lumber. Decks may be constructed of man-made low maintenance materials that look like wood, such as Trex decking and plastic railing, but materials will need to be approved on a case by case basis by the ARC to insure a natural look.
- **Coating:** The color of decks and gazebos should compliment the overall appearance of the home and not distract from it in a way that draws excessive attention to it. If staining, all stain colors must be approved by the ARC.

## **SHEDS**

Sheds require ARC approval

- Sheds will be evaluated in the same manner as a detached garage. The “Major Alterations Guidelines” will apply.
- The minimum size for a shed is 10 x 12.
- Must be on a 4” concrete slab. Slab must be exposed above ground no less then 2 inches.
- There shall be no more then on shed per household.
- Must be located at the back corner of the property on the driveway side of the house.

## **SWIMMING POOLS**

Swimming pool installations must be approved by the ARC.

- Permanently installed above ground pools are prohibited. (See children’s pools below)
- In-ground pools should be located so as to minimize sight and noise impact on neighboring properties.
- Fencing must comply with County Code and ARC Guidelines.
- Temporary/Children’s Pools are permitted during the summer months (June-Sept.) provided that they are inflatable or plastic and are less than 12 feet in diameter and less than 36” deep. Children’s pools must be located directly behind the house to minimize view from the roadways.

## **POOL HOUSES**

Pool Houses require ARC approval

Pool Houses will be evaluated in the same manner as a detached garage. The minimum size of a pool house shall be 10 x 12. The maximum size shall be no larger than a single car garage. Pool Houses will not be approved without a pool.

## **DRIVEWAYS**

ARC approval is not required for driveways but must meet the following specifications.

Driveways should be constructed of Asphalt, be no more than 2 car widths at the road. Circular driveways will not be approved. Sealing or repairing driveways to original state do not require ARC approval. Driveways shall be kept neat and clean.

## **EXTERIOR COLORS**

Homeowners must obtain ARC approval before changing the color of any externally visible portion of any structure, including siding, doors, shutters, trim, or roofing. The decision whether to approve each application will be based on a judgment as to whether the proposed change would be noticeably inconsistent or visually incompatible with the originally established color scheme of the applicant’s property and surrounding neighborhood.

ARC approval is not required for any repainting or re-staining which does not significantly change a home's original colors.

### **FENCES**

All fencing requires ARC approval.

Fencing can be used to separate property, provide security, visual privacy, or to architecturally define space. In achieving any one of these goals, a barrier is created which has both a visual and physical impact on the boundaries of common land and properties of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the construction is executed.

The ARC recognizes that property locations (i.e., site plots) are not uniform throughout Millwood and will review specific requests for aesthetics or safety oriented reasons on a case-by-case basis.

Split rail fences **made from wood** are generally acceptable, subject to approval for location. No stockade fences, wire or chain link fences of any kind shall be permitted, and no fencing should extend beyond the **back corner of the house**, or the side yards of corner lots. Only one fence along adjoining property lines will be permitted. No abutting and parallel fences will be allowed. Post and Rail style PVC fences are permitted with ARC approval.

**Wire Fencing:** The ARC recognizes that the types of fencing suggested herein may not perform the necessary function of keeping children and pets either in or out of property. The ARC approves the attachment of fine gage, vinyl-coated wire to the inside of a fence. It will be approved only if the design is such that it is not normally visible from neighboring property or the street. Chain link and chicken wire fencing, freestanding vinyl-coated or otherwise will not be permitted.

### **PATIOS**

All patios must meet the following minimum criteria:

- **Location:** Patios should be located in rear yards.
- **Colors and Materials:** Visible portions of patios should be constructed of concrete, brick, slate, stone, or interlocking pavers. Colors should coordinate with the existing materials and colors of the home.

### **LOT GRADING AND DRAINAGE**

Both the ARC and bordering neighbors must evaluate any planned re-grading of any component of a lot to insure the new grading will not affect the flow of runoff water on neighboring yards or common areas.

Any adverse impact to existing drainage on homeowners' lots must be addressed and architecturally and environmentally sound mitigation proposed. Any French drains or similar runoff management systems constructed, may not intrude into common areas or other neighbors property (e.g., direct venting through piping extending beyond the owner's property line).

### **FOUNTAINS AND WATER FEATURES**

In ground water features, such as fountains and ponds **will require ARC Approval.**

Water features must be maintained in such a way to not promote mosquito or similar pest breeding.

## **ARC APPROVAL NOT REQUIRED (Guidelines must be followed)**

### **HOT TUBS/SPAS**

All exterior hot tubs or spas do not require ARC approval, but **must** meet the following minimum criteria:

- **Location:** Exterior hot tubs or spas must be located in rear yards adjacent to the home. Hot tubs or spas must be located in such a way that their use poses no intrusion visual or audible on neighboring property. The hot tub or spa as well as mechanical apparatus must be screened from view of neighboring lots and common areas.
- **Design:** If installing a hot tub/spa, you are encouraged to incorporate the unit as an architectural feature of decks and/or patios. The exterior finish of a hot tub should blend with the exterior finish of the home, deck, or patio to which it is attached or most closely related.

### **LANDSCAPING**

It is not the intent of the ARC to intrude upon any homeowners desire to express their individuality through their landscaping, only to insure that inappropriate or poorly installed/maintained landscaping does not reduce property values or cause undue distractions.

In general, ARC approval is not required for landscape improvements such as foundation plantings and single specimen plantings. However, the plantings must comply with the following guidelines. If you have any doubts as to whether your proposed landscaping will meet approval, submit a request to the ARC for approval in advance. The ARC reserves the right to require correction, including but not limited to removal or modification of ANY landscaping found to cause adverse impact after installation if not pre-approved by the ARC.

- Plant materials should be appropriate in character, habitat, species, size (both installed and mature size), number and arrangement for their purpose and environment.
- Homeowners may not plant vegetation that creates additional maintenance for the Association.
- Vines may be attached to a trellis but must be kept trimmed to the size of the garden structure and must not adhere to the exterior walls or roof of your home.
- When planting trees, the height and width of the tree when mature must be taken into consideration. Keep in mind that the roots typically extend to the same width of the branches. Trees should be located so that the branches or root system do not extend over or under the following: foundations, driveways, utilities (waterlines, cable, electric), property lines, roadways or traffic signs.
- It is the responsibility of the homeowner to ensure that plantings continue to meet these guidelines by pruning, relocating or removing plant material.

### **GARDENS**

Vegetable gardens while permitted must be located behind the rear plane of the house totally within the property boundaries.

### **COMPOST**

Open composting is not permitted, and the composting container shall not be visible to the adjacent properties or street. Odor must be controlled to the satisfaction of the Board of Directors. Underground composting is not permitted.

### **LIGHTING**

All new or changed lighting must meet the following minimum requirements:

- Lights or illuminating units shall not substantially direct light, either directly or through a reflecting device, upon an adjacent property.

- Motion lights must turn off within five minutes.
- Holiday lighting may be installed 45 days prior to the holiday and must be removed 30 days after the holiday associated with the lighting.
- Colored bulbs or similar bug lighting designed to repel insects may be installed only in lighting fixtures located at the rear of houses.
- Proposed lighting shall not be permitted if it will otherwise result in adverse visual impact to any other property, due to factors including but not limited to location, color or wattage.

### **RECREATIONAL EQUIPMENT**

Semi-permanent play equipment, which either constitutes a structure or is appurtenant to an existing structure, does not require approval. Examples include sandboxes, playhouses, swing sets, etc. The following guidelines should be followed:

- **Material:** Backyard play sets should be constructed of wood and should be stained or treated to maintain appearance.
- **Location:** Such equipment must be placed in rear yards. All elements of the equipment must be within the homeowner's lot boundaries. Consideration should be given to adjacent properties, so as not to create an undue disturbance.
- **Scale and Design:** The design and any individual screening are additional considerations in evaluating whether or not there will be an adverse visual impact.
- **Height:** The equipment should not exceed twelve feet in height.
- **Quantity:** No more than one substantially sized piece of recreational equipment shall be permitted per property.

### **SATELLITE DISHES AND ANTENNAS**

Section 3 of the deed restrictions govern the installation of satellite Dishes and Antenna's.

### **WIRES AND CABLES**

Wires and cables, including those installed to convey radio or television signals, shall be hidden, buried or secured flush with the side of each house so as to minimize their visibility.

## **ARC will NOT approve:**

### **ANYTHING PROHIBITED BY DEED RESTRICTIONS**

### **EXTERIOR AIR CONDITIONERS**

Individual air conditioning units extending from, or installed into, windows are prohibited. Relocation of existing, or installation of new exterior air conditioning units or heat pumps is acceptable only if there is no adverse visual impact to adjoining properties

### **DOG HOUSES AND DOG RUNS.**

Dog runs are not permitted. A dog run is defined as any fenced or walled structure (other than privacy fencing) constructed to allow dogs or other animals to exercise or otherwise move about portions of the homeowner's property without escaping, or any other constraining device such as a post and leash which allows an animal to roam unattended.

"Invisible Fences" do not require ARC Approval

Backyard doghouses must be in fenced rear yards only and shall be so located to be concealed from view of passersby on the common public streets and roadways of Millwood.

### **FLAGPOLES**

Freestanding flagpoles are not permitted.

The display of flags is permitted when mounted via the following mounting methods:

- A bracket & extension mounted on the front or rear of the house.
- Small landscape flags on 1/4" or similar metal decorated mounts displaying seasonal, holiday, or patriotic material are acceptable in landscaped areas

### **BASKETBALL GOALS**

Basketball goals are not permitted to be located in the street nor on a homeowner's property overhanging the street.