

AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS  
OF POWHATAN COMMUNITY SERVICES ASSOCIATION – JANUARY 5, 2016

**ARTICLE VI**

**Architectural Control**

**Section 6.1. Architectural Review Committee.** The Board of Directors shall appoint a committee [the "Architectural Review Committee" (formerly known as the "Architectural and Land Preservation Board)]. The Architectural Review Committee shall be composed of three (3) or more persons, who need not be Members of the Association, from time to time appointed by the Board of Directors of the Association. The members of the Architectural Review Committee shall serve for such terms as may be determined by the Board of Directors of the Association. The Architectural Review Committee appointed by the Board of Directors shall have the authority for reviewing and, as appropriate, approving or disapproving Plans submitted for modifications, alterations or additions made on or to existing structures and/or Living Units on Lots. The Developer has reserved unto itself the right and authority to review and, as appropriate, approve or disapprove Plans submitted for Lots on which no Living Units have previously been constructed (the "Developer Review Rights"). At such time as Developer ceases to own any unimproved Lots or at such time as Developer's Class B Membership has expired, whichever occurs earlier, its Developer Review Rights shall automatically transfer to the Association's Architectural Review Committee which shall then assume such rights and authority with respect to Lots upon which no Living Unit has been constructed. The Architectural Review Committee appointed by the Board of Directors, and the Developer for such time as Developer possesses Developer Review Rights, shall be collectively referred to herein for ease of reference as the "Architectural Review Committee." References herein to Architectural Review Committee shall apply to either or both, as applicable.

**Section 6.2. Plans to be Submitted.** Before commencing the construction, erection or installation of any building, addition, patio, deck, pool, fence, wall, animal pen or shelter, exterior lighting, sign, mailbox or mailbox support, improvement or other structure (each of the foregoing being hereinafter referred to as an "Improvement") on any Lot or Parcel, including any site work in preparation therefore, and before commencing any alteration, enlargement, demolition or removal of an Improvement or any portion thereof in a manner that alters the exterior appearance (including but not limited to paint color) of the Improvement or of the Lot or the Parcel on which it is situated, each Owner shall submit to the Architectural Review Committee a completed application on the form provided by the Architectural Review Committee (the "Application"), a proposed construction schedule and at least three sets of plans and specifications of the proposed construction, erection, installation, alteration, enlargement, demolition or removal, which plans and specifications shall include (unless waived by the Architectural Review Committee): (i) a site plan showing the size, location and configuration of all Improvements, including driveways and landscaped areas, and all setback lines, buffer areas and other features required under the Zoning Ordinance or the guidelines adopted by the Architectural Review Committee, (ii) as to Improvements initially constructed on a Lot or a Parcel, landscaping plans showing the trees to be removed and to be retained and shrubs, plants and ground cover to be installed, (iii) architectural plans of the Improvements showing exterior elevations, construction materials, exterior colors, driveway material, (iv) a sediment and erosion control plan, and (v) a tree protection plan and such other information as the Architectural Review Committee in its discretion shall require (collectively, the "Plans"). The Architectural Review Committee may, in its sole discretion, waive

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the requirement that any or all of the required Plans be submitted in a particular case where it determines such Plans are not necessary to properly evaluate the Application. The Architectural Review Committee shall not be required to review any Plans unless and until the Application has been submitted in completed form with the proposed construction schedule and the Plans contain all of the required items. The Application, Plans and the proposed construction schedule must be submitted to the Architectural Review Committee at the address of the Association in the same manner as notices are to be sent to the Association pursuant to Article XI. The Architectural Review Committee may grant blanket plan approval to builders who purchase more than one Lot at a time, subject to such additional conditions (such as receipt of a site plan for a specific Lot) as the Architectural Review Committee may establish.

**Section 6.3. Consultation with Architects, etc.; Administrative Fee.** In connection with the discharge of its responsibilities, the Architectural Review Committee may engage or consult with architects, engineers, planners, surveyors, attorneys and others. Any Person seeking the approval of the Architectural Review Committee agrees to pay all fees thus incurred by the Architectural Review Committee and further agrees to pay an administrative fee to the Architectural Review Committee in such amount as the Architectural Review Committee may from time to time reasonably establish. The payment of all such fees is a condition to the approval or disapproval by the Architectural Review Committee of any Plans, and the commencement of review of any Plans may be conditioned upon the payment of the Architectural Review Committee's estimate of such fees.

**Section 6.4. Approval of Plans.** The Architectural Review Committee shall not approve the Plans for any Improvement that would violate any of the provisions of this Declaration or of any Supplemental Declaration applicable thereto. In all other respects, the Architectural Review Committee may exercise its sole discretion in determining whether to approve or disapprove any Plans, including, without limitation, the location of any Improvement on a Lot or Parcel. Subject to such procedural rules as may be adopted from time to time by the Board of Directors, an Owner whose Application has been disapproved by the Architectural Review Committee may appeal such decision to the Board of Directors if such Owner notes his/her appeal in writing to the Association and such notice of appeal is received by the Association on or before the date that is ten (10) business days after the date of the notice to the Architectural Review Committee's decision. The Board of Directors may affirm, reverse or modify the Architectural Review Committee's decision by a vote of two-thirds (2/3) or more of the Directors present and voting at a duly called meeting at which a quorum is present.

If the Architectural Review Committee shall fail to act upon any Application submitted to it within thirty (30) days after its receipt of a complete Application, Plans and proposed construction schedule, the applicant may submit such Application to the Board of Directors for approval. If the Board of Directors shall fail to act on such Application within thirty (30) days after its receipt of such complete Application, Plans and approved construction schedule, then such Application, Plans and proposed construction schedule shall be deemed to have been approved as submitted and no further action shall be required; provided, however, that such failure to act by the Board of Directors shall not relieve the Owner of the obligation of complying with applicable federal, state and local building codes and architectural standards, covenants, design guidelines and rules and regulations set forth herein or adopted in accordance herewith in connection with the proposed action which was the subject of the Application, Plans and construction schedule or with the Architectural Guidelines.

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**Section 6.5. No Structures to be Constructed, etc. Without Approval.** No Improvement shall be constructed, erected, installed or maintained on any Lot or Parcel, nor shall any Improvement be altered, enlarged, demolished or removed in a manner that alters the exterior appearance (including paint color) of the Improvement or of the Lot or the Parcel on which it is situated, unless the Application, Plans and construction schedule therefor have been approved by the Architectural Review Committee. After the Application, Plans and construction schedule therefore have been approved, all Improvements shall be constructed, erected, installed, maintained, altered, enlarged, demolished or removed strictly in accordance with the approved Plans. Upon commencing the construction, erection, installation, alteration, enlargement, demolition or removal of an Improvement, all of the work related thereto shall be carried on with reasonable diligence and dispatch and in accordance with the construction schedule approved by the Architectural Review Committee.

**Section 6.6. Guidelines May Be Established.** The Architectural Review Committee may, subject to the approval of the Board of Directors, in its discretion, establish guidelines and standards (collectively, "Architectural Guidelines") to be used in considering whether to approve or disapprove Plans. Such guidelines may vary by Parcel and/or Neighborhood and may include, without limitation, uniform standards for signage and mailboxes and mailbox supports. However, nothing contained in this Declaration shall require the Architectural Review Committee to approve the Plans for Improvements on a Lot or a Parcel on the grounds that the layout, design and other aspects of such Improvements are the same or substantially the same as the layout, design and other aspects of Improvements approved by the Architectural Review Committee for another Lot or Parcel. The Architectural Guidelines may include specific procedures to implement the Application and Application review process, including, without limitation, a procedure for an applicant's appeal of the Architectural Review Committee's decision, as well as requirements relating to the form of the Application and required signatures thereon.

**Section 6.7. Limitation of Liability.** The approval by the Architectural Review Committee of any Plans, and any requirement by the Architectural Review Committee that the Plans be modified, shall not constitute a warranty or representation by the Architectural Review Committee of the adequacy, technical sufficiency or safety of the Improvements described in such Plans, as the same may be modified, and the Architectural Review Committee shall have no liability whatsoever for the failure of the Plans or the Improvements to comply with applicable building codes, laws and ordinances or to comply with sound engineering, architectural or construction practices. In addition, in no event shall the Architectural Review Committee have any liability whatsoever to an Owner, a contractor or any other party for any costs or damages (consequential or otherwise) that may be incurred or suffered on account of the Architectural Review Committee's approval, disapproval or conditional approval of any Plans. The Architectural Review Committee shall have no liability whatsoever to any Owner due to the fact that the housing style, type, square footage, and/or price range associated with any approved Plans and/or Improvements differ from those of Improvements approved by the Architectural Review Committee for another Lot or Parcel.

**Section 6.8. Other Responsibilities of Architectural Review Committee.** In addition to the responsibilities and authority provided in this Article VI, the Architectural Review Committee shall have such other rights, authority and responsibilities as may be provided elsewhere in this Declaration, in any Supplemental Declaration and in the Bylaws. ***END OF ARTICLE VI***