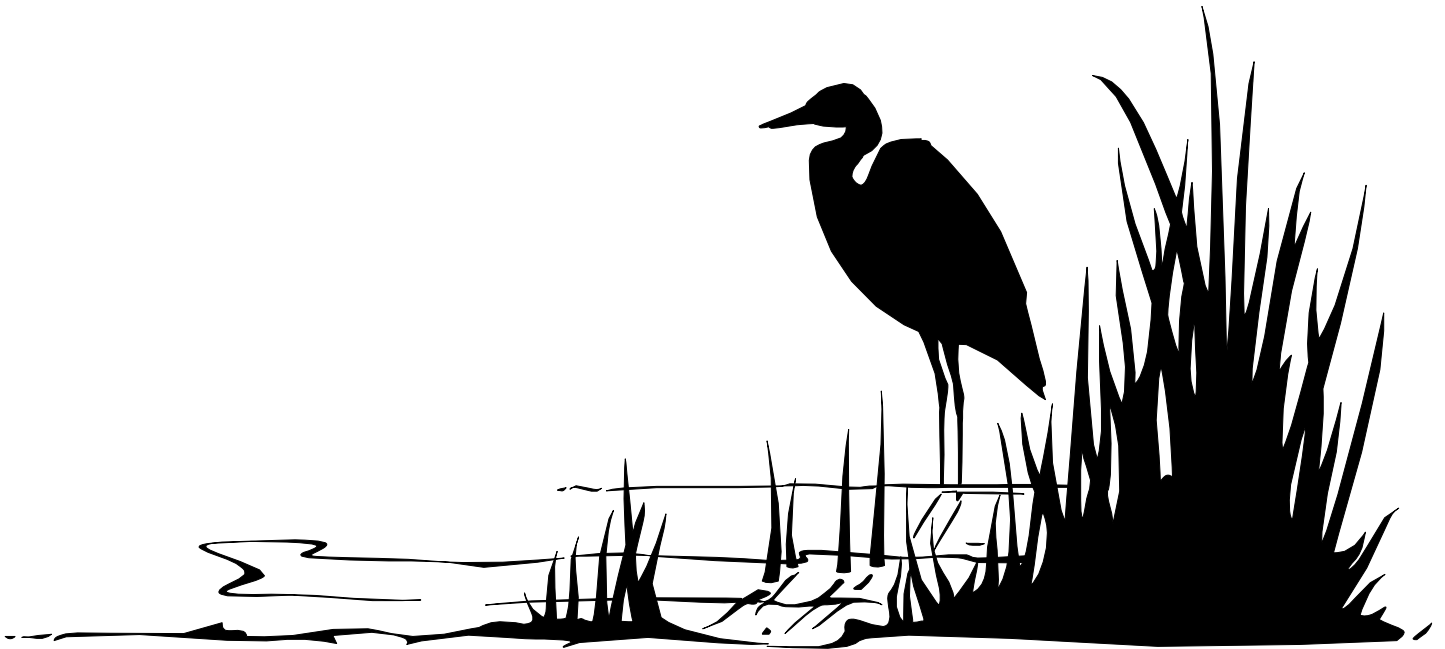


# **Villages of Kiln Creek Owners Association Handbook**

**Contains:**

**Part I - RULES**

**Part II - ARCHITECTURAL  
STANDARDS**



**Revised December 2014**

A handwritten signature in black ink, which appears to read "David Radcliffe". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

**David Radcliffe, President, KCOA**

# **TABLE OF CONTENTS**

<b>FORWARD TO HANDBOOK .....</b>	<b><u>Page</u> 5</b>
<b><u>PART I: RULES .....</u></b>	<b>7</b>
<b><u>SECTION I - INTRODUCTION.....</u></b>	<b>8</b>
Authority.....	8
Governing Documents.....	8
Architectural Standards .....	8
Neighborhood Rules.....	8
Definitions .....	8
<b><u>SECTION II – RULES / USE OF PROPERTY.....</u></b>	<b>9</b>
Animals.....	9
Association Property .....	10
Casualty .....	10
Clothes Drying Equipment .....	10
No Commercial Use .....	10
Firearms .....	11
Firewood .....	11
Fireworks .....	11
Garage Doors .....	11
Grills .....	12
Group Outdoor Recreational Activities .....	12
Holiday/Seasonal/Temporary Decorations and Lighting.....	12
Hoses/Sprinklers .....	12
Lakes and Water Bodies .....	12
Landscaping Care (also see Arch. Standards .....	13
Leaves .....	14
Leasing .....	14
Maintenance (also see Arch. Standards .....	14
Motorized Vehicles .....	16
Moving .....	16
Multi-Unit Dwellings .....	16
Noise .....	16
Nuisances .....	16
Obstructions .....	17
Parking and Vehicular Restrictions.....	17
Play Equipment, Strollers, Etc. (also see Arch. Standards) .....	19
Recreation/Athletic Equipment (also see Arch. Standards .....	19
Sale of Lots .....	19
School Spirit Emblems/Sidewalk Chalk.....	20
Signs .....	20
Solicitation/Pamphleteering/Advertising.....	21
Storage .....	21
Portable Storage Containers.....	21
Trash.....	21
Underground Utilities .....	22
Window Treatments (also see Arch. Standards) .....	22
Yard/Garage Sales.....	22

	<u>Page</u>
<b><u>SECTION III – RECREATION AREAS</u></b> .....	23
<b><u>SECTION IV– ENFORCEMENT PROCEDURES</u></b> .....	24
<b>EXHIBIT A - Review Checklist</b> .....	26
 <b><u>PART II: ARCHITECTURAL STANDARDS</u></b> .....	 27
<b><u>SECTION I – INTRODUCTION</u></b> .....	28
Purpose Statement .....	29
Preliminary Matters .....	29
Authority .....	29
Governing Documents .....	29
Definitions .....	30
Application Procedure .....	31
Composition .....	31
Compliance with all Laws and Building Codes .....	31
Breaking Ground .....	31
Erosion Control and Drainage .....	32
Major Changes .....	32
Requests for an Accommodation Relating to a Disability .....	32
Guidelines for Separate Associations .....	32
Similar Improvements .....	32
Appeals .....	32
Variances .....	32
Grandfathered Exceptions .....	33
After the Fact Fee .....	33
Cease and Desist .....	33
 <b><u>SECTION II – ARCHITECTURAL STANDARDS</u></b> .....	 34
Antennas .....	34
Attic Ventilators, Exterior .....	35
Awnings .....	35
Chimney Caps .....	35
Compost Bins .....	35
Decks and Patios .....	35
Domestic Animal Houses and Domestic Animal Runs .....	36
Doors .....	36
Driveways, Walkways and Driveway Expansions .....	37
Fences .....	37
Fire Pits .....	38
Flags, Flag Poles and Displays .....	38
Fountains and Water Features .....	39
Gardens .....	39
Generators .....	39
Geo Thermal Heating and Air Conditioners .....	40
Gutters and Downspouts .....	40
Heating and Air Conditioning Units .....	40

	<u>Page</u>
Irrigation/Sprinkler Systems .....	41
Landscaping (also see Rules).....	41
Lawn/Flowerbed Ornaments (Statues, Fountains, etc.) .....	41
Lawn Furniture.....	42
Leaves .....	42
Lighting .....	42
Mailboxes .....	43
Maintenance (also see Rules).....	43
Major Building Additions and Interior/Exterior Renovations .....	43
Painting and Staining Exterior .....	44
Play Equipment (also see Rules).....	45
Rain Barrels .....	45
Recreational/Athletic Equipment (also see Rules) .....	45
Residential Identification Signs (House Numbers) .....	46
Re-siding, Re-roofing, Re-styling .....	46
Rock Gardens .....	47
Sheds and Other Accessory Structures .....	47
Solar Collectors .....	48
Storm Door / Screen Doors .....	49
Swimming Pools, Hot Tubs and Spas .....	49
Trash Container Enclosures .....	50
Tree and Vegetation Removal Policy .....	50
Trellises, Pergolas, Arbors, Gazebos, Privacy and Screening Walls.....	51
Vents & Vent Covers .....	51
Water Wells .....	52
Windows .....	52
Wind Powered Generators .....	52
Other Alterations .....	52
<b><u>EXHIBITS</u></b> .....	53
1 Type 1 Fence Criteria .....	53
2 Type 2 Fence Criteria .....	54
3 Lake Cambridge Required Drainage Easement Fence with Gate .....	55
4 Architectural Standards for Fences Listed by Neighborhood .....	56
5 Mailbox Specifications .....	58
6 Storm Door Specifications .....	63
7 Flowerbed Edging & Borders .....	64
8 Separate Associations .....	65
9 <b><u>APPLICATION FOR EXTERIOR ALTERATION,</u></b> <b><u>Parts A &amp; B</u></b> .....	66

## **FOREWORD TO HANDBOOK**

The Villages of Kiln Creek ("Kiln Creek") is a master planned community comprised of thirtyone (31) villages (or "Neighborhoods") and more than twelve-thousand (12,000) residents. The Villages of Kiln Creek Owners Association (the "Association") is the master homeowners' association for all residential property within Kiln Creek.

The Association is incorporated as a Virginia non-stock corporation. As such, it is governed by the Virginia Nonstock Corporation Act, as well as other laws such as the Virginia Property Owners Association Act.

When an Owner closes on the purchase of a Lot in Kiln Creek, such Owner automatically and legally becomes a Member of the Association. By accepting title to a Lot, an Owner is deemed legally to have agreed to abide by the Association's governing documents which include: the Second Amended and Restated Declaration of Covenants and Restrictions ("Declaration"); the Second Amended and Restated Articles of Incorporation ("Articles"); the Second Amended and Restated Bylaws ("Bylaws"); and the Supplemental Declarations applicable to each Neighborhood within Kiln Creek (collectively, the "Governing Documents"). The Declaration, Articles and Bylaws require the affirmative vote of two-thirds (2/3) of the Members (as defined in the Declaration) of the Association to amend and therefore cannot be easily amended.

The Villages of Kiln Creek Rules set forth in Part I of this Handbook ("Rules") and the Architectural Standards set forth in Part II of this Handbook ("Standards") are more fluid documents which may be amended from time to time by the Association's Board of Directors to accommodate the needs and standards of the community and its Members. Pursuant to Section 4.2 of the Declaration, Article 4.2 of the Bylaws and Section 55-513 of the Virginia Property Owners Association Act, the Association's Board of Directors has the express authority from time to time to adopt and enforce rules and regulations. In addition, Section 6.6 of the Declaration authorizes the Architectural Review Board, subject to the approval of the Board of Directors, to establish guidelines and standards to be used in considering whether to approve or disapprove Plans.

The mission statement of the Association is "to Preserve, Protect, and Enhance a Community of Excellence." The purpose of the Rules is to provide direction for Members to assist them in living within the Properties; the purpose of the Standards is to assist Owners in understanding how architectural standards apply when contemplating and designing a proposed Improvement. Adherence to the Rules, Standards and Governing Documents is vital to the community spirit of the Association, and ultimately leads to enhanced property values throughout Kiln Creek.

The goal of the Association is not to invade Members' privacy or impose undue burdens upon residents, but rather to carry out and enforce the provisions and covenants found in the Governing Documents. Residents may inquire about the Rules or Standards at the Association's office on any weekday during the operating hours, via the Association's improved website at <http://www.kilncreek.org>, or during the monthly Board of Directors meetings held at the Kiln Creek Golf Club & Resort 1st floor meeting room, the Association Office or the Association Rec. Center. The location of the meeting will be posted at the Association Office. The Board of Directors and Association Staff serve the community and its Members and welcome the opportunity to discuss and explain the Association policies and guidelines.

This document supersedes and replaces the Rules dated October 20, 2011 and the Architectural Standards dated August 23, 2012. Please keep this Handbook in a convenient place so that you may refer to these documents when necessary. For any questions or comments, please call the Association's office at (757) 877-9835. By becoming knowledgeable about, and abiding by the Rules and Standards, we all do our part to maintain Kiln Creek as a "Community of Excellence."

# **VILLAGES OF KILN CREEK OWNERS ASSOCIATION**

## **Part I:**

### **RULES**



## SECTION I

### INTRODUCTION (RULES)

1. **Authority.** Section 7.1(c) of the Second Amended and Restated Declaration of Covenants and Restrictions of the Villages of Kiln Creek Owners Association (the “Declaration”) provides that the Board of Directors of the Villages of Kiln Creek Owners Association (the “Association”) may adopt general rules, including, but not limited to, rules regulating potential problems relating to the use of property and that such rules and any subsequent amendments thereto shall be binding on all Members, except where expressly provided otherwise in such rule. By resolution effective December 18, 2014, the Board of Directors approved revisions to the rules governing the Properties. Such rules, as amended, are set forth herein (collectively, the “Rules”).
2. **Governing Documents.** The Rules and the Architectural Standards (see Part II of this Handbook) shall be considered with the Second Amended and Restated Declaration of Covenants and Restrictions (“Declaration”), the Supplemental Declaration applicable to your Neighborhood, the Second Amended and Restated Articles of Incorporation of the Association (“Articles”), and Second Amended and Restated Bylaws of the Association (“Bylaws”) (collectively referred to as the “Governing Documents.”) If any provision of these Rules conflicts with the terms or provisions of any of the Governing Documents, the terms and provisions of the applicable Governing Document(s) shall control.
3. **Architectural Standards.** Section 6.5 of the Declaration provides that no Improvement (as defined in Section 6.2 of the Declaration) 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 without limitation paint color) of the Improvement of the Lot or the Parcel on which it is situated, unless the Application, Plans and construction schedule therefore have been approved by the Architectural Review Board (“ARB”). Pursuant to Section 6.6 of the Declaration, the ARB has established, and the Board of Directors has approved, certain standards known as the “Architectural Standards” to be used in considering whether to approve or disapprove plans for Improvements. These Rules are closely related to the Architectural Standards, and in many instances specific reference is made to the Architectural Standards for additional requirements and guidance.
4. **Neighborhood Rules.** Individual Neighborhoods may have rules that are more, but not less, restrictive than the Association.
5. **Definitions.** Unless otherwise indicated, defined terms used herein shall have the meaning set forth in the Governing Documents.



## SECTION II

### RULES / USE OF PROPERTY

1. **Animals:** In recognition of the need for animal control and safety within Kiln Creek, and the right of each resident to enjoyment of their Lots, the Common Areas and Neighborhood Common Areas, the following rules and policies are hereby established to minimize and address animal problems, and to provide procedures for processing animal questions and complaints.
  - a. The maintenance, keeping, boarding or raising of non-domesticated animals, livestock, poultry or reptiles of any kind, regardless of number, is prohibited on any Lot or upon the Common Area or Neighborhood Common Area. Keeping of guide animals, service animals and orderly domestic pets (e.g., dogs, cats or caged birds) without the approval of the Board of Directors, is permitted; provided that such pets are not kept, bred or maintained for commercial purposes.
  - b. When outdoors, pets must be leashed and accompanied by a responsible person who can control the pet. Pets may not be left unattended except while in a fenced private yard. Pet owners who want to install invisible, underground electric fences to keep their animals inside their Lot must file an application for exterior alteration with the Association's ARB. No pet may be leashed or tethered to any stationary object. **Pet owners are responsible for the immediate removal and proper disposal of animal waste.**
  - c. Any Owner who keeps or maintains any pet upon any portion of the Properties agrees to indemnify and hold the Association and each Owner harmless from and against any loss, claim or liability of any kind or character whatsoever arising by reason of keeping or maintaining such pet within the Properties. Owners shall ensure that their pets are vaccinated against rabies and that such vaccinations remain current and up to date.
  - d. **The Association will monitor all signed and written formal concern forms regarding free roaming cats, dogs off leash, and/or dog and cat excreta. If warranted, a notice of violation will be issued to the Owner of the Lot following a signed written complaint.**
  - e. Written complaints received by the Association concerning nuisance animals will be processed for a hearing by the Association in accordance with the Enforcement Procedures in Section IV. A written concern form must be submitted to the Association along with the signature of any other complaining residents, stating the particulars (dates and times) of the alleged nuisance. All residents signing the statement must be willing to attend a Board of Directors meeting, to which the Owner of the Lot where the pet resides has also been invited, for a hearing. Please **remember** that your concern form must be completed in its entirety.
  - f. Any pet causing or creating a nuisance, unreasonable disturbance or noise on an ongoing basis may be ordered removed from the Properties after the Owner of the

Lot where the pet resides has received ten (10) days written notice from the Board of Directors and has failed to take corrective action. The foregoing notwithstanding, any pet which threatens the safety of or attacks any person(s) lawfully on or occupying the Properties, may be ordered permanently removed from the Properties immediately, without ten (10) days written notice from the Board of Directors, if the Board of Directors deems such removal necessary to protect the safety or welfare of such person(s), and in such cases, the Board of Directors shall provide such notice as is reasonable under the circumstances. The Association will refer all residents to the SPCA if an alleged domestic animal (dog or cat) control problem exists on residential private property.

2. **Association Property:** The Common Area and Neighborhood Common Area shall be used only for the furnishing of the services and facilities for which the same is reasonably suited and which are incident to the use and occupancy of the Lots. The improvements located on the Common Area and Neighborhood Common Area shall be used only for their intended purposes, except as otherwise expressly provided in the Governing Documents. No Owner shall make any private, exclusive or proprietary use of any of the Common Area or Neighborhood Common Area. Common Areas include but are not limited to lake banks, water bodies, wooded areas, golf course, conservation areas, or any other property not owned by a Lot Owner. There shall be **no dumping** (such as grass, limbs, debris, garbage, etc.) on any Common Area or Neighborhood Common Area. If an Owner or an Owner's guest damages any Common Area, Neighborhood Common Area, or any equipment, property or Improvements thereon, they will be held responsible for the cost of repairing such damage.
3. **Casualty:** Damage to property by fire, casualty, vandalism, accident or other cause must be promptly reported to the Association by any person having knowledge thereof. If a building or other Improvement located upon a Lot is damaged or destroyed, the Owner thereof shall restore the site either: (i) by repairing or reconstructing such building or Improvement (See Architectural Standards); or (ii) by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Properties. Such work must be commenced promptly after the date of casualty and substantially completed no later than six (6) months after the date of casualty; provided, however, that any unsafe structure must be immediately secured. An extension may be granted by the Board of Directors, in its sole and absolute discretion.
4. **Clothes Drying Equipment:** No clotheslines or other clothes drying apparatus shall be permitted outside an enclosed structure on any Lot. No portion of a Lot shall be used for the drying or hanging of laundry or the airing of clothes or other items unless such laundry or other items are located within an enclosed structure.
5. **No Commercial Use:** Pursuant to Section 7.1(w) of the Declaration, no Lot shall be used for any business, commercial, manufacturing, mercantile, storing, vending or other non-residential purpose. An Owner may operate a home occupation and/or office located in the dwelling on the Lot if:

- Such occupation/office generates no significant number of visits (as determined by the Board of Directors) by clients, customers or other persons related to the business;
  - No equipment or other items related to the business are stored, parked or otherwise kept on such Owner's Lot or the Properties outside of an approved enclosure;
  - Such Owner has obtained approvals for such use as may be required by the City of Newport News and the County of York;
  - Such Owner's home and/or office is operated in accordance with all requirements of applicable governmental ordinances.
  - If Owner elects to have a sign, it may be no larger than one (1) foot by one (1) foot, located near the main entrance of the dwelling.
6. **Emissions:** There shall be no emissions of dust, sweepings, dirt, cinders, odors, gases or other substances into the atmosphere except for normal residential chimney emissions and no production, storage or discharge of Hazardous Materials on the Properties or discharges of liquid, solid wastes or other environmental contaminants into the ground or any body of water. See also, Section 7.1(j) of the Declaration. Normal amounts of BBQ grill smoke/emissions shall not be considered a violation, provided such grills are operated in accordance with the requirements of paragraph 12 below.
  7. **Firearms:** Because of the density of homes in Kiln Creek, no discharge of firearms or other projectile weapons is permitted. Any and all city and county ordinances must be followed. This includes, without limitation, guns, rifles, paint ball guns, BB Guns, pellet guns, sling shots and archery equipment.
  8. **Firewood:** Because of the threat of pest problems, firewood must be stored a minimum of six (6) inches off the ground. Firewood must be stored behind the rear foundation line of the dwelling on the Lot and stacked in a neat and orderly manner and shall not be stored in a manner that blocks access to any door or throughway, or any Common Area or Neighborhood Common Area. Firewood shall not be stacked in excess of four (4) feet in height. Owners must clean and sweep Common Areas and Neighborhood Common Areas that have been littered due to the delivery of firewood. Consult the applicable Supplemental Declaration which may contain additional regulations. If firewood is to be covered, a neutral colored tarp/covering must be used.
  9. **Fireworks:** Fireworks are prohibited; except in instances of an Association fireworks display.
  10. **Garage Doors:** To enhance the security of the community and aesthetics of the homes and streetscapes, garage doors should be kept closed to the maximum extent possible. It is the Owner's responsibility to keep the garage door in good repair.

11. **Grills:** Except as provided in applicable Supplemental Declarations, use of portable barbecue grills or other outdoor cooking equipment is permitted on the Lots. When in use, outdoor cooking equipment must be placed behind the dwelling, whenever possible, and positioned so that smoke will not disturb neighboring properties. Fires must be extinguished promptly after cooking. Permanent grills require approval from the ARB. If a grill is rusting, a cover is required. See Architectural Standards, Neighborhood rules, if any, and Supplemental Declaration applicable to your Neighborhood for further restrictions.
12. **Group Outdoor Recreational Activities:** In Common Areas and Neighborhood Common Areas, group outdoor recreational activities may be permitted from sunrise to sunset in designated areas if approved by the Association's Director of Operations. The Board of Directors may, in its discretion, consult the Neighborhood Advisory Board or Neighborhood Advisory Committee, as applicable, regarding behavior rules, parking areas for bicycles and other play equipment (skateboards, etc.), and trash disposal. Any picnic tables in Common Areas and Neighborhood Common Areas are on a first come, first served basis.
13. **Holiday/Seasonal/Temporary Decorations and Lighting:** Holiday decorations as used herein mean those temporary decorations and lighting associated with a particular national, state, local or religious holiday. These decorations may be displayed for up to thirty (30) days before and fourteen (14) days after the applicable holiday. Seasonal decorations may be displayed during the calendar year's seasonal dates. Inflatable decorations are permitted for holiday decorations only, not seasonal. Owners are urged to take care and exhibit consideration for their neighbors when displaying holiday/seasonal/temporary decorations so as not to cause an unreasonable source of annoyance to occupants of neighboring property. Please contact the Association's office for special circumstances regarding holiday decorations.

Neighborhood Entrances (Common Areas and Neighborhood Common Areas). The Association encourages the display of decorations and our nation's flag at the entrances of the villages.

Neighborhoods wishing to display any decorations or the flag within Neighborhood Common Areas located at the entrance to a Neighborhood must notify the Association and designate a point of contact who will be responsible for the placement, maintenance and removal of such decorations and/or flags. Decorations and flags will not be affixed to the Neighborhood signs. Decorations must be placed in a manner that will not impede routine maintenance and will not adversely impact traffic light lines.

14. **Hoses/Sprinklers:** Except when in use, garden hoses shall be stored in a neat and orderly fashion. Hoses/sprinklers shall not be used as a permanent irrigation system.
15. **Lakes and Water Bodies:** As provided in Section 7.1(f) of the Declaration and subject to the use of the lakes for irrigation purposes by the Association, all lakes within the Properties are aesthetic amenities and no other use thereof, including, without limitation, swimming, boating, fishing, playing or use of personal floatation devices shall be

permitted. No piers or docks shall be constructed on any portion of the lakes nor attached to the shorelines or banks thereof, except those approved by the Board of Directors. All lakefront property Owners are to observe the easement around each lake that has been dedicated to the Association. No dumping is allowed along lake banks or into any lake itself. Please refer to the "Lakes and Snakes" bulletin from your disclosure package for more information. The Association shall not be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of the lakes within the Properties. The Association reserves the right to authorize fishing in the lakes by scheduling a community fish day. Trimming of any vegetation on common property bordering the lakes is prohibited.

16. **Landscaping Care:** It is the Owner's responsibility to keep all shrubs, trees, grass and ground cover neatly trimmed, properly cultivated and free from all trash, weeds, and other unsightly materials. The Owner is also required to maintain the grass located behind fences behind an Owner's Lot and in easement areas located on the Owner's Lot. No resident may seed, fertilize, mow or otherwise disturb the area past the Lot's property line. Artificial vegetation of any kind (e.g., plastic or silk flowers or bushes) is prohibited. Shrubs, trees and grasses should be chosen by their height at maturity and be in proportion to the bed, lawn, home and lot. (Local nursery personnel are often knowledgeable and are usually willing to share their expertise regarding these areas.) The Association typically conducts lawn inspections following the weekends. If a Lot is not being maintained, and after notice has been given, the Association is permitted to go onto an Owner's Lot and perform the maintenance at the Owner's expense, per the Governing Documents.

- **Lawn Maintenance-** Overall, lawns shall have a generally well groomed and maintained appearance. Grass shall be mowed on a regular basis. The height of the grass shall at no time exceed six (6) inches. During high growth seasons, mowing may need to be done as often as once a week. There shall be no weeds in the place of grass and there shall also be no bare spots in the lawn. Lawns that have either of these problems must be weeded and/or seeded during the next appropriate growing season. Watering is also important. Lawns should be watered enough to maintain a green, healthy appearance (however, city and county water regulations should be adhered to at all times). The area/edges where your lawn meets your house, driveway, walkway, fence, patio, or other obstruction shall be neatly trimmed and free of weeds. Trees shall be kept pruned, trimmed and/or neatly groomed. The Association may notify an Owner of the need for one or more of the following: (i) turf applications (weed control), (ii) soil preparation, (iii) aeration, (iv) seeding, (v) fertilizing, (vi) watering and (vii) any other steps necessary for the Owner's lawn to be established. All driveways, walkways, patios and other similar areas shall be kept free from all grass, weeds, debris or other materials. Owners with lawn service contractors shall be responsible for ensuring that the contractor does not blow grass clippings, branches, grass or any debris down storm drains, into the streets, Common Areas, Neighborhood Common Areas or other Owners' Lots.

- **Flowerbed Maintenance-** All flowerbeds, gardens, or other areas segmented from the lawn shall be kept free of all grass and weeds. Landscaping materials such as mulch, stones, blocks, bricks, etc. shall also be kept weed and mold free, and repaired/replaced if they are disjointed or broken. (See Architectural Standards for edging specifications.) If an area appears unkempt or fades into your lawn, you may be asked to have this area differentiated by either creating a distinct flowerbed, or removing the plant material and seeding to encompass this area into your lawn.
17. **Leaves:** The burning of leaves and other yard debris within the Villages of Kiln Creek is strictly **prohibited.**
- Collection:** At no time shall leaves or other yard debris be piled in streets for vacuuming and/or collection by the City of Newport News or York County, as neither locality collects in Kiln Creek. All local city or county ordinances for trash collection must be followed. A Lot Owner shall not rake or blow leaves into a Common Area, Neighborhood Common Area or street. Un-bagged debris gets washed into storm drains and may clog up our lake system.
- Removal:** Leaf removal shall be done on a routine basis, especially during Fall months. Only clear bags shall be used and placed by the curb.
18. **Leasing:** Section 7.5 of the Declaration contains restrictions governing leases of residential dwellings in Kiln Creek. All leases of dwellings in Kiln Creek shall be for one (1) year minimum. Only one lease per Lot is permitted and no portion of a dwelling (other than the entire dwelling) may be leased. No Owner shall lease a Lot other than on a written form of lease.

Kiln Creek requires:

- (a) The lessee to comply with the Governing Documents and Rules (including, without limitation, individual Neighborhood rules).
  - (b) Failure to comply with the Governing Documents and Rules (including, without limitation, Neighborhood rules) constitutes a default under the lease. All absentee Owners shall promptly notify the Association of their new address, e-mail address, phone number and the name, work and home phone numbers of their tenants and Property Management Company, as applicable. It is the responsibility of the Owner to ensure that the required Tenant Information Sheet is completed, signed by the Owner, and returned to the Association prior to the tenant's occupancy of the dwelling unit. Failure to do so shall constitute a violation of the Declaration and the Rules.
19. **Maintenance:** As provided in Section 7.2 of the Declaration, each Owner shall keep all Lots and Parcels owned by him and all Improvements thereon in good order and repair, free of debris, all in a manner and with such frequency as is acceptable to the Association

and consistent with a first-quality development. Common maintenance items include, but are not limited to: painting the exterior of your home; cleaning/painting mailboxes; cleaning algae/mold/mildew on roofs, siding, fences, etc. See Exhibit A for a sample review checklist of more items viewed during reviews. In the event an Owner shall fail to maintain his Lot and the Improvements situated thereon as provided herein, the Association, after notice to the Owner and approval of the Board of Directors, shall have the right to enter upon such Lot to correct such failure. All costs related to such correction shall become a special assessment upon such Lot and as such shall be regarded as a special assessment with respect to lien rights and remedies of the Association.

- a. **Maintenance of Lots/Reviews:** The Association may conduct property reviews at any time. See Exhibit E for the extended list of what is typically checked during such reviews. The storage of any item outside of your home is prohibited. (See Rule #33 regarding "Storage").
- b. **Maintenance of Lot During Exterior Construction/Remodeling/Renovation:** All Lots must be maintained free of debris during the course of construction. Adjoining streets must be kept cleaned of debris and mud. Building sites that maintain a portable toilet for the use of subcontractors working on the site should be located, whenever possible, near the side of the property and out of view of the street. In no instance shall a portable toilet be allowed to be located in the sidewalk, gutter or street. Lots served by portable toilets or dumpsters shall be dumped on a weekly basis and such portable toilets/dumpsters shall have prior approval from the Association. Construction activity must be limited to the hours of 7:00 a.m. to 7:00 p.m. No radios may be played at levels that cause an unreasonable nuisance to adjoining Lots.
- c. **Construction, Remodeling and Renovation Restrictions.** The continuous observation of the following rules and regulations as they pertain to the performance of construction activity shall be mandatory for all contractors working within Kiln Creek. Specifically, in addition to those items previously addressed herein, each contractor, and their sub-contractors must observe the following:
  - 1) Each contractor shall maintain the exterior grounds and premises in a neat and clean condition, free of all trash and debris.
  - 2) No materials, except those that shall be incorporated into the project during a maximum of thirty (30) days following delivery, will be allowed on the exterior of the site. Those materials stored on site will be maintained in a neat order.
  - 3) Trailers, trucks, vans and portable storage containers carrying construction tools or materials must not be parked on the street or any Common Area or Neighborhood Common Area overnight. Dumpsters must be placed in the driveway. (See Rule #26 for parking regulations.)

- 4) Construction must be completed within six (6) months. Additional time may be granted on a case by case basis.
  - 5) Prior approval from the Association office is required for dumpsters and portable toilets so that the Owners may receive a permit from the Association for their use/placement. Please display this permit on the dumpster or toilet in an area that is visible from the street. (Such permit is in addition to other permits required by applicable laws and ordinances.)
  - 6) All construction material, scaffolding, ladders, dumpsters and portable toilets shall be removed within seven (7) days after completion of work.
20. **Motorized Vehicles:** No motorized vehicles of any type shall be driven on the community trails, pathways, Common Areas or Neighborhood Common Areas (other than streets and parking areas). The foregoing rules regarding motorized vehicles do not apply to the use of maintenance vehicles used by the Association, or motorized wheelchairs or other devices to assist persons with disabilities. Pedestrians have the right of way in all instances. The foregoing rules do not apply to the golf course.
  21. **Moving:** Move-ins and move-outs shall be conducted between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise approved by the Association's Director of Operations. If leasing or vacating a dwelling, the Owner must provide the Association with his/her/their change of address in writing. Please be considerate and do not block driveways, trash cans or mailboxes. If any damage is done to any Common Area, Neighborhood Common Area, or other property, the moving Owner shall be held liable (See Rule #2 Association Property). Large moving vans and trucks may not remain overnight. U-haul type vehicles/trailer hauls/trucks may remain on a lot for a maximum of three (3) consecutive days and you must notify the Association office prior to its arrival.
  22. **Multi-Unit Dwellings:** Rules for garbage and trash storage, storage and usage of grills and storage of firewood may be established by the individual Neighborhoods for multi-unit dwellings provided such rules do not contradict or conflict with the Rules of the Association.
  23. **Noise:** All persons present on the Properties shall comply with all applicable local noise ordinances and shall not permit or engage in any activity, practice or behavior that causes unreasonable annoyance, discomfort or disturbance to any other person(s) lawfully present on any portion of the Properties. Residents are encouraged to call local authorities to report such violations or occurrences.
  24. **Nuisances:** Section 7.1(a) of the Declaration provides that "[n]o nuisance shall be permitted to exist on any Lot or Parcel." Noxious, destructive, or offensive activity, or any activity constituting an unreasonable source of annoyance, shall not be conducted on any Lot, Parcel, Common Area, Neighborhood Common Area, or on any part thereof, and the Association shall have standing to initiate legal proceedings to abate such activity. Residents are encouraged to call local authorities to report unlawful occurrences.



25. **Obstructions:** No person shall obstruct any of the Common Area or Neighborhood Common Area, or otherwise impede the rightful access of any other person on any portion of the Properties upon which such person has the right to enter. No person shall place or cause or permit anything to be placed on or in any of the Common Areas or Neighborhood Common Areas without the approval of the Board of Directors. Nothing shall be altered or constructed or removed from the Common Areas or Neighborhood Common Areas except with the proper written approval of the Board of Directors.
26. **Parking and Vehicular Restrictions:**
- a. If a Neighborhood has its own separate association with a separate board of directors, enforcement of such separate association's parking and vehicular restrictions may be conducted by its board of directors or its management company. (See Exhibit 8 of the Rules and Architectural Standards a for list of sub/associations.)
  - b. Parking in the Properties shall be restricted to personal vehicles and only within the driveways and parking areas designated for parking. Curbside parking within the interior streets of a Neighborhood in those portions which are not designated "No Parking" by corresponding signage and/or marking is permitted when the vehicle is parked so as not to impede traffic or block access to trash bins, mail boxes, stop signs and driveways and so as not to damage vegetation. Vehicles may not be parked within fifteen (15) feet of fire hydrants. No parking on lawns, Common Areas or Neighborhood Common Areas shall be permitted. Vehicles parked in such a way that blocks or creates a hazard for vehicles in a designated traffic lane are not permitted.
  - c. Junk, derelict vehicles not in compliance with local or state laws or inoperable vehicles are prohibited. Any vehicle not displaying current registration plates and current city/county and state inspections is prohibited on any portion of the Properties. If during an inspection it is noted a vehicle is not current on its tags or inspection, a member of the Association staff will send out a "reminder" notice and a re-inspection will be done. If the vehicle is still not in compliance with the Rules and/or with local or state laws, the vehicle will be subject to towing without further notice. All repairs of any motor vehicle which shall cause the vehicle to remain inoperable at the end of one (1) day are prohibited upon any portion of the Properties. If a vehicle is showing substantial damage, the Owner of the vehicle may be asked to cover it with a form fitting cover. Broken windows shall be repaired within thirty (30) days.
  - d. Operable and registered vehicles may be covered with clean, tight fitting covers designed specifically for the vehicles. Vehicles covered with a car cover shall not be parked on the street for more than three (3) months. Car covers shall be earth toned in a solid color (i.e. brown, green, tan).
  - e. Advertising is prohibited on vehicles (including but not limited to websites, phone numbers, etc.).

- f. Commercial vehicles are **prohibited**, except in garages. “Commercial Vehicles” are vehicles that are not designed and used for customary, personal/family purposes. The absence of commercial lettering or graphics on a vehicle shall not be determinative of whether it is a commercial vehicle. Concurrently, lettering or graphics on a vehicle advertising a business is indicative of a commercial vehicle, as is a commercial license plate. The lettering or graphics on a vehicle may be covered with a magnetic strip the same color as the vehicle in order to bring it into compliance, provided there are no other features which cause the vehicle to be considered commercial. The foregoing and below restrictions regarding commercial vehicles shall not apply to temporary parking of commercial vehicles by non-Owners in connection with construction or providing pick-up and delivery and other commercial services, nor shall any such restrictions apply to any vehicles of the Association. The parking of service vehicles for repairs and/or service within the Properties shall be confined to the period between 7:00 a.m. and 9:00 p.m. except in the case of emergencies.
- g. Campers, RVs, jet skis or boats are not to be parked/stored on Lots, driveways, streets, Common Areas or Neighborhood Common Areas without the express prior permission of the Board of Directors.
- h. Non-resident overnight parking is restricted to house guests only. The storing of any vehicle is not permitted on the street.
- i. No items, materials, recreational items, etc. shall be stored on the exterior of any vehicle.
- j. All motor vehicles, including, but not limited to, trail bikes, motorcycles, dune buggies, and snowmobiles shall be driven only upon paved streets and parking areas. A speed limit of fifteen (15) mph should be observed within the subdivision streets unless otherwise posted. Those vehicles used by the Association to carry out its day-to-day operations, motorized wheelchairs, or other devices to assist the disabled are exempt from the above restrictions. All motorized vehicles, including, but not limited to golf carts (other than on the golf course and golf cart paths) and motorized scooters, are prohibited on any of the Association’s Common Areas or Neighborhood Common Areas to include pathways or unpaved portions. Those vehicles used by Association are exempt from the above restrictions.
- k. Subject to applicable laws and ordinances, any vehicle parked in violation of these and other restrictions set forth in the Governing Documents may be towed by the Association at the sole expense of the vehicle owner. The Association shall not be liable to the owner of the towed vehicle for trespass, damage, or otherwise, nor shall the Association be guilty of any criminal act by reason of the towing. In cases of towing in which notice is required, once such notice is posted, neither its removal nor failure of the vehicle owner to notice it or receive it for any reason, shall be grounds for relief of any kind. An affidavit of the person

posting such notice stating that the notice was properly posted shall be deemed conclusive evidence of proper posting of the notice.

- l. If a vehicle is parked in a No Parking Zone or Fire Lane, is double-parked or otherwise blocking throughways, fire hydrant access, or is causing an emergency situation, it will be subject to towing without notice at the sole expense of the vehicle owner.
  - m. If a vehicle is parked in violation of these Rules and other restrictions set forth in the Governing Documents but is not causing an emergency situation, for at least twenty-four (24) hours, a notice of violation will be placed on the vehicle and it will be subject to towing without further notice at the sole expense of the vehicle owner.
27. **Play Equipment, Strollers, Etc:** All bicycles, tricycles, scooters, skateboards, and other play equipment, wading pools, baby strollers, and similar items shall be stored so as not to be visible from streets and neighboring properties when not in use. When not in use, wading pools should be emptied for health and safety purposes and stored within an enclosed structure. Swing sets, trampolines and similar playground equipment require prior ARB approval.
28. **Recreational/Athletic Equipment:**
  - a. For Recreational, Athletic Equipment and Portable Basketball Goals: See Architectural Standards.
  - b. No permanent recreational/athletic equipment (i.e. baseball cages, skateboard ramps, hockey or soccer nets) shall be permitted on any Lot.
  - c. When not in use, all recreational equipment must be stored inside a privacy fence, shed, garage or other unobtrusive backyard area where it will not be visible by neighboring properties.
  - d. Portable freestanding athletic equipment which shall include, but is not limited to, skateboarding ramps may not be set up and used on any neighborhood street.
  - e. Use of outdoor recreational equipment is prohibited between sundown and 9:00 a.m.
  - f. Basketball play is prohibited between sundown and 9:00 a.m. (See Architectural Standards item entitled "Recreational/Athletic Equipment – Portable Basketball Goals.")
29. **Sale of Lots:** Virginia law **requires** sellers of residential property to order a disclosure package for the purchasers for their Lot. Upon an Owner's request, the Association will provide a disclosure packet as required by the Virginia Property Owners Association Act. The Association charges a fee for providing the disclosure packet. Disclosure packages

must be paid for at the time of the delivery of the disclosure packet. Contact the Association office for more information.

30. **School Spirit Emblems/Sidewalk Chalk:**

- School spirit emblems no larger than 12" x 12" may be painted on a driveway at the termination of the driveway into the street provided temporary paint is used that can be completely removed when the emblem is no longer meaningful, or when the resident moves out. The driveway must be designated exclusively for the use of a single residence. Emblems may not be installed on Common Areas, Neighborhood Common Areas, or shared driveways. As in all cases, please check your Neighborhood rules, Supplementary Declaration, and if applicable, the governing documents for any separate association applicable to your Lot for additional guidance.
- Sidewalk Chalk is permitted on private driveways/walkways. The Association does not regulate public streets.

31. **Signs: No Sign of any kind may be displayed on any Lot except as follows:**

- a. One (1) sign of not more than six (6) square feet advertising the property for sale or rent provided the sign is removed no later than 3 days after the sale (closing) of the property to a new Owner or occupancy by tenant.
- b. One (1) sign of not more than six (6) square feet expressing support or opposition to political candidates or other issues which appear on the ballot of a primary, general, or special election, provided that such political signs shall not be placed on a Lot earlier than sixty (60) days before such election or vote and shall be removed within two (2) days after such election and shall not have a maximum elevation in excess of six (6) feet.
- c. Security signage (e.g., no trespassing, alarm and dog warning) are permitted. Signs must be less one (1) square foot in size (two (2) signs per lot).
- d. Solicitation Signage: One (1) small 12" x 12" "No Solicitation" sign is permitted by entrance doors of the dwelling.
- e. An Owner's personal vehicles parked on his Lot within the Property may display one (1) "For Sale" sign on a vehicle window not to exceed 8½" by 11" in size.
- f. Freestanding, temporary signs are permitted for individual Neighborhoods to inform residents of Neighborhood events or real estate "open house" signs may be displayed at Neighborhood entrances from 9:00 a.m. Saturday morning to 5:00 p.m. Sunday evening. The sign must be of suitable size not to exceed six (6) square feet (recommended 3' x 2') and must be placed as directed by the Board of Directors. Signs may be displayed seven (7) days in advance of the event and must be taken down within 24 hours after the event.

- g. Neighborhoods wishing to display signs other than meeting notices (i.e. yard of the month) must obtain prior approval from the Board of Directors.
  - h. A sign advertising yard/garage sale shall not be placed on any property other than that of the Lot of the person conducting such sale.
32. **Solicitation/Pamphleteering/Advertising:** Kiln Creek has established itself as a non-soliciting community; however, local ordinances are subject to change at any time. We suggest that homeowners either post a small no-solicitation sign at the front door of their dwelling, and/or do not respond to these solicitors. Soliciting, pamphleteering and advertising are prohibited within the entire community of Kiln Creek. Under special circumstances, with the written permission of the Board of Directors, exceptions to this rule may be allowed on a case by case basis.
33. **Storage.** The storage of items outside of a dwelling is prohibited. This includes but is not limited to boxes, bins, tools, lawn/gardening supplies, recreational equipment, toys, luggage racks, ladders, vehicle parts/doors/caps etc. Any items not mentioned will be addressed on a case by case basis at the discretion of the Board.
34. **Portable Storage Containers:** All portable storage containers such as PODs®, SmartBox® and other similar storage devices are prohibited on a Lot.
35. **Trash:** All garbage and trash stored on the Properties shall be kept in covered containers, and, except for a reasonable amount of time to permit collection on scheduled days of trash collection, shall be kept inside a privacy fence, shed, garage or other concealed or screened area, so as not to be visible from the street. Accumulation or storage of litter, refuse, bulk materials, building materials, garbage or trash of any other kind shall not be permitted on any Lot. No incinerator shall be kept or maintained upon the Properties. The burning of trash, leaves or other debris is strictly prohibited within Kiln Creek.

Trash and recycling containers shall be placed curbside no earlier than 5:00 p.m. the day before scheduled pickup and should be removed from the curb in a timely manner following trash pickup. In no case shall a container remain curbside later than 9:00 p.m. on the day of pickup. Residents who continuously violate this rule will be subject to Formal Hearing with the Board of Directors.

Bulk waste, which includes bagged grass clippings and collapsed moving boxes, shall be placed curbside no earlier than 5:00 p.m. the day before scheduled pickup.

- All trash bags placed on curb must be made of clear plastic. Black trash bags are prohibited.
- Specific details regarding trash may be found on the local government websites of the City of Newport News and York County.

- Homeowners have the option to place house identification numbers visibly on the front of their trash can with adhesive stickers no larger than three (3) inches in height. (Painting of these numbers is not permitted.)
36. **Underground Utilities:** No water, sewer, gas, or drainage pipe, television cable, electrical wire, or other similar transmission or utility line shall be installed or maintained upon any Lot or Parcel above the surface of the ground.
  37. **Window Treatments:** Drapes or other window treatments (such as blinds or shutters) must be white, off white or have a white lining or backing. No plastic wrap may be affixed to a window. Sheets, blankets, towels or other materials not intended for use as window coverings are prohibited.

Decorative films or clings require the approval of the ARB prior to installation.

Window tinting: See Architectural Standards

38. **Yard/Garage Sales:** Yard/garage sales are permitted within the Properties provided the following requirements are observed:
  - a. If the resident resides in Newport News, all Newport News regulations must be followed and the proper permit needs to be obtained. York County does not currently require a permit (as of the last revision date of these Rules).
  - b. No more than four (4) yard/garage sales are permitted at one residence per year. Exhibition of merchandise must be confined to resident's Lot. \*Note\* The Association has a community-wide yard sale 2 times a year; please contact the Association's office for dates.
  - c. Yard/garage sales may only be conducted between the hours of 7:00 a.m. and dusk.

## **SECTION III**

### **RECREATION AREAS**

**Recreation Passes are required** when you visit Kiln Creek recreational facilities. Recreation Passes are available at the Association's office.

**Recreation Center, Swimming Pool And Tennis Courts.** Please view the Recreation Center, Pool and Tennis Court Rules in our office for a handout, or on our website at [www.kilncreek.org](http://www.kilncreek.org) as these rules are routinely updated.

#### **Playground/Picnic Areas**

All Kiln Creek playgrounds and the picnic areas will be open from 9:00 a.m. until dusk, seven (7) days a week. These areas are available on a first-come, first-served basis. No loitering in these areas is permitted.

#### **Paths/Trails**

Paths/Trails are for use of residents and their guests. Please use at your own risk.

## **SECTION IV**

### **ENFORCEMENT PROCEDURES**

Courtesy and cooperation among residents and homeowners are necessary for community living. When enforcement concerns involve your neighbors, it is often best to simply discuss the problem with them. Should the enforcement concern remain unsolved or if you feel uncomfortable talking to your neighbor, please contact the Association to request assistance. The concern filed with the Association should be in writing and should document the problem as thoroughly as possible. Concern forms are available at the Association office or on the Association website. If appropriate, the Association will attempt to resolve the problem informally. Final recourse is available through the Board of Directors, which will schedule a panel to consider the alleged violation(s).

#### **Procedures for Violations of the Governing Documents**

1. Noncompliance with the Governing Documents, the Rules and the Architectural Standards may be noted by a resident, an Owner, or employee of the Association or by a city/county employee acting in an official capacity, by initially reporting such in writing to the Association. Such notice, to the extent feasible, shall specify the time, date, place and nature of the violation. The Virginia Property Owners' Association Act and Section 9.3 of the Declaration authorizes the Association to enforce the Rules and Architectural Standards.
2. Upon receipt of such notice and after the Association has evaluated the same, the Association shall send a written first notice to the Owner stating the time, date, place and nature of violation (to the extent known to the Association). The notice will provide a time period for compliance. If the violation is not corrected within the time period given, such violation may result in the imposition of sanctions, charges, legal action, or any other remedies that the Association may pursue under law, including but not limited to, those under Section 55-513 of the Virginia Property Owners' Association Act, as amended. A record of this action and a copy of all notices sent by the Board of Directors and any correspondence relating thereto shall be kept in the Association files, and may be sent to the Association's legal counsel.
3. Every Owner of a Lot which is the subject of an enforcement complaint and/or noted violation shall receive notice from the Association describing the violation. Before any charges are assessed against such Owner, the Owner who is the subject of the violation shall have the opportunity to be heard and represented by counsel before the Board of Directors or a tribunal selected by the Board of Directors. Notice of a hearing shall be hand delivered or mailed by certified mail, return receipt requested, to the Owner (pursuant to VA Code Section 55-513) and, if applicable to the resident, at the address(es) of record with the Association, at least fourteen (14) days prior to the hearing. If, after the hearing, the Board of Directors determines that a violation of the Governing Documents, Rules and/or Architectural Standards has occurred, the Board of Directors shall have the power to assess charges against any Owner for any violation for which the



Owner or the Owner's family members, tenants, guests, or other invitees are responsible. Pursuant to VA Code Section 55-513, the amount of any charges assessed by the Board shall be up to Fifty Dollars (\$50.00) for a single offense or Ten Dollars (\$10.00) per day for any offense of a continuing nature and shall be treated as a special assessment against the Owner's Lot. The foregoing remedies are in addition to any remedy the Association may seek through the legal process.

4. If the Board of Directors finds that the same violation is recurring within a six (6) month time period but is not present on a continuous basis, the violation(s) will be treated as multiple single offenses and a charge of up to \$50.00 per occurrence will be levied for each day the violation is noted on the property during a specified period of time (e.g. six months) and shall be treated as a special assessment against the Owner's Lot. The foregoing remedies are in addition to any remedy the Association may seek through the legal process.
5. Notwithstanding anything contained within these Rules to the contrary, the Association shall have the authority to institute legal action against an Owner, on an emergency basis, without having previously satisfied any notice or other requirements contained in this Section IV.

## EXHIBIT A

# REVIEW CHECKLIST

<input type="checkbox"/>	Roof Stains- Roofs should be free of algae/mold/stains
<input type="checkbox"/>	Algae/Mold on Siding, Dryvit, Brick needs to be cleaned
<input type="checkbox"/>	Mailbox <input type="checkbox"/> Painted <input type="checkbox"/> Cleaned <input type="checkbox"/> Replaced
<input type="checkbox"/>	Post <input type="checkbox"/> Painted <input type="checkbox"/> Cleaned <input type="checkbox"/> Replaced
<input type="checkbox"/>	Trim/Fascia Board <input type="checkbox"/> Painted <input type="checkbox"/> Cleaned <input type="checkbox"/> Wood Rot
<input type="checkbox"/>	Window Trim <input type="checkbox"/> Painted <input type="checkbox"/> Cleaned <input type="checkbox"/> Wood Rot
<input type="checkbox"/>	Shutters need painting
<input type="checkbox"/>	Garage Door needs painting/replaced/panel replaced
<input type="checkbox"/>	Front Door/Sidelights needs painting
<input type="checkbox"/>	Chimney Cap/Chase Cover needs painting/replaced
<input type="checkbox"/>	Algae/Mold on Fence needs to be cleaned
<input type="checkbox"/>	Gutters or Soffit Cleaned- Gutters and soffit should be free of dirt, stains and algae/mold
<input type="checkbox"/>	Trash Can Visible/Stored incorrectly- needs to be stored out of sight/concealed
<input type="checkbox"/>	Trash on Curb Early/Late/Bulk trash on curb at wrong time
<input type="checkbox"/>	Lawn Not Mowed/Edged
<input type="checkbox"/>	Bushes Not Pruned
<input type="checkbox"/>	Driveway Cracks Filled/Repaired/Replaced
<input type="checkbox"/>	Flowerbeds need to be weeded
<input type="checkbox"/>	Solicitation Signs not permitted
<input type="checkbox"/>	Commercial Vehicle/Trailer/Camper/RV at residence
<input type="checkbox"/>	Colored Window Coverings/Broken Window Blinds
<input type="checkbox"/>	Any exterior alterations without ARB approval? (Swing Sets, Sheds, Trampolines, Landscaping, Gazebos)
<input type="checkbox"/>	Pets outside unattended/tethered
<input type="checkbox"/>	Vehicles without proper registration tags or inspection
<input type="checkbox"/>	Toys/Play Equip./Recreational Equip./Strollers, etc. being stored outside when not in use
<input type="checkbox"/>	Storing of any items outside of the home is not permitted (except typical outdoor furniture)

\*\*\*Please be reminded that this is not ALL that we look for, it is simply a guideline for you to use.  
Please consult your Rules, Regulations and Architectural Standards for further information.



**VILLAGES OF KILN CREEK  
OWNERS ASSOCIATION**

**Part II:**

**ARCHITECTURAL STANDARDS**



## SECTION I

### INTRODUCTION (ARCHITECTURAL STANDARDS)

The Villages of Kiln Creek remains one of the Peninsula's most desirable locations for many reasons. The primary reason is because it is composed of Owners like you who care about the appearance of their homes, and because it is a planned community with written architectural standards ("Architectural Standards") to guide you when making an Exterior Modification to your Lot or when doing maintenance to your home. This document details those Architectural Standards and is designed to help you, the Owner, continue to enhance the aesthetics of your Lot. Periodically, these Architectural Standards are reviewed for completeness and accuracy. This document supersedes and replaces all prior Architectural Standards and guidelines, including, without limitation, the Architectural Standards dated August 23, 2012.

Architectural variety is the essence of the Villages of Kiln Creek. Our thirty-one (31) individual Neighborhoods (also commonly referred to as "Villages") contain a mix of single-family homes, condominiums, duplexes and apartments. Our development spans one-thousand two-hundred (1,200) acres of lush land containing woods, grassy areas, beautiful lakes and an 18-hole championship golf course. The exterior appearance of the majority of our homes was styled to emulate Colonial Williamsburg's aesthetics, while some areas feature homes with a more transitional appearance. Recognizing the unique character of each Neighborhood and helping to manage the continuity of that unique character is the responsibility of the Architectural Review Board (the "ARB").

Article VI of the Second Amended and Restated Declaration of Covenants and Restrictions of Villages of Kiln Creek Owners Association ("Declaration") provides that the Association shall appoint and maintain the ARB for the purpose of reviewing and, as appropriate, approving or disapproving all Plans (as defined in the Declaration) submitted by Owners. The ARB is a three (3) person board composed of volunteers who are Owners within the Association. The ARB meets every two (2) weeks, except in December when Applications are rarely received. Plan ahead and call the ARB Coordinator at the Association's Office to find out the next scheduled meeting and the cut-off date for Applications to be considered at that meeting.

Here are some general considerations to help you in your dealings with the ARB:

1. Generally, if you are replacing a previously approved item with another exactly like it (same color, size, material, etc.) you do not need to submit an Application to the ARB. However, if you are not sure whether the item was originally approved or if the replacement is not an exact duplicate, please submit an Application.

2. Please be aware that by submitting an Application, the Owner grants the ARB authorization to visit and enter upon their Lot, with prior notification, to view the site (exterior only) of the proposed alteration (exterior only). Additionally, Owners have no expectation of privacy with regard to Applications, Plans and/or other supporting material.

Thank you for your cooperation!  
Let's continue to make Kiln Creek "A Community of Excellence."

## **Purpose Statement**

The purpose of these Architectural Standards is to:

- (a) maintain, protect and enhance property values within the Villages of Kiln Creek;
- (b) assist Owners in understanding how architectural standards apply when designing a proposed Improvement, and in determining how to apply for approval;
- (c) provide criteria for consistent decisions by the Architectural Review Board (“ARB”) and Board of Directors.

## **Preliminary Matters**

1. **Authority.**

Section 6.1 of the Second Amended and Restated Declaration of Covenants and Restrictions of Villages of Kiln Creek Owners Association (“Declaration”) establishes the ARB for the purpose of reviewing, and, as appropriate, approving or disapproving all Applications and Plans required to be submitted by Owners in accordance with Article VI of the Declaration.

Section 6.5 of the Declaration provides that “No Improvement [as defined in Section 6.2 of the Declaration and reprinted in Paragraph 3 below] 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, without limitation, 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 Board.”

Pursuant to Section 6.6 of the Declaration, the ARB may, in its discretion, establish guidelines and standards to be used in considering whether to approve or disapprove an Application.

Accordingly, the Board of Directors adopted the following Architectural Standards (including the exhibits attached hereto) to facilitate the ARB’s review of Applications. Owners are cautioned that the Architectural Standards are guidelines only, and subject to the terms and provisions of the Declaration. The ARB may exercise, in its sole discretion, whether to approve or disapprove any Application.

2. **Governing Documents (Amended and Restated as of August 2009).** These Architectural Standards (also referred to herein as “Standards”) should be considered together with the Second Amended and Restated Declaration (“Declaration”), the Supplementary Declaration applicable to each Neighborhood (“Supplemental Declaration”), the Second Amended and Restated Articles of Incorporation of the Association (“Articles”), and the Second Amended and Restated Bylaws of the

Association (“Bylaws”). The foregoing documents are collectively referred to as the “Governing Documents.” If any provision of these Standards conflicts with the terms or provisions of any of the Governing Documents, the terms and provisions of the applicable Governing Document(s) shall control. In light of certain overlap with and the interconnectedness with the Rules, these Architectural Standards are packaged with the Rules (Part I) in a Handbook for each Owner’s reference.

3. **Definitions.** Capitalized terms not defined in these Standards shall have the meaning set forth in the Governing Documents.
4. **Application Procedure.** *An Application (as defined below) is required for all Improvements except for those Improvements that herein specifically state that an Application is not required. All Applications should be submitted to the ARB at the following address: Villages of Kiln Creek Owners Association, 970 Brick Kiln Road, Newport News, Virginia 23602, Attention: Architectural Review Board.*
  - a. Section 6.2 of the Declaration sets forth the Application procedure for obtaining approval. This section provides, in part:

**“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 which 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 Board a completed application on the form provided by the Architectural Review Board (the “Application”), a proposed construction schedule and a set 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 Board):

    - 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 guidelines adopted by the Architectural Review Board;
    - 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, and driveway material;
    - iv. A sediment and erosion control plan; and
    - v. A tree protection plan and such other information as the Architectural Review Board in its discretion shall require (collectively, the “Plans”).



The Architectural Review Board may, in its sole discretion, waive 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 Board 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 Board at the address of the Association in the same manner as notices are to be sent to the Association pursuant to Article XI.”

Owners contemplating the submission of Plans to the ARB in connection with the construction or alteration of Improvements are urged to take special note of the follow provisions of Article VI (Architectural Control) of the Declaration.

- b. The required ARB application form (“Application”) is set forth in Exhibit 9.
  - c. Once an Owner submits an application to the Association for consideration, the Application, Plans, and/or other material may be shared with others. Accordingly, Owners have no expectation of privacy in their submitted Application.
  - d. Improvement(s) specified in the Application must be completed within twelve (12) months of ARB approval unless extenuating circumstances exist, which the ARB may decide in its sole and absolute discretion. If Improvement(s) specified in the Application are not completed within twelve (12) months of ARB approval, a new Application must be submitted to the ARB.
5. **Composition.** Pursuant to the Declaration, the ARB is composed of three (3) Owners. The ARB is appointed by the Board of Directors of the Association. The Board of Directors may appoint one (1) alternate member to the ARB who may vote only in the absence of a regular member. The members of the ARB shall serve for such terms as determined by the Board of Directors.
6. **Compliance with all Laws and Building Codes.** ***Before commencing*** the construction, erection or alteration of any Improvement, Owners must contact the appropriate local building code compliance agency for either York County or the City of Newport News to determine whether a building permit is required. Owners are responsible for ensuring that the Improvements are constructed, erected or altered in accordance with all applicable local, state and federal laws and regulations. Any violation of such laws and regulations shall constitute a violation of these Architectural Standards and may result in local and/or other disciplinary action being taken by the Board of Directors.
7. **Breaking Ground.** It is required that before any digging is initiated, the applicant must call Virginia Utility Protection Services at 811 or 1 (800) 552-7001 for existing locations of utilities.

8. **Erosion Control and Drainage.** Owners must take appropriate erosion control measures as required by the local building code compliance agency for York County or the City of Newport News during the construction, erection or alteration of any Improvement. Any Improvements shall not adversely impact the proper drainage of the Owner's Lot or that of any adjoining property.
9. **Major Changes.** Major changes shall include, but are not limited to, room additions, decks, fences, storage sheds, ramps, exterior lifts, and major landscape changes.
10. **Requests for an Accommodation Relating to a Disability.** Additions and modifications relating to a disability require the submission of an Application. To assist the Association in processing requests for accommodations relating to a disability, Owners are requested to fill out and submit Part B of the Application, attached hereto as Exhibit 9.
11. **Guidelines for Separate Associations.** Neighborhoods that have Separate Associations (see Exhibit 8) may have separate architectural standards and approval requirements/procedures as set forth in the governing documents for those Separate Associations. Owners wishing to make modifications to Lots within such Neighborhoods are responsible for seeking all required approvals, if any, from their Separate Association in addition to obtaining the ARB's approval. In the event of a conflict between these Architectural Standards and any applicable guidelines utilized by a Separate Association, these Architectural Standards shall control; provided, however, a separate Association's guidelines may be more restrictive than these Architectural Guidelines.

Upon the ARB's receipt of an Application for a major change to a Lot located within a Neighborhood which has a Separate Association (see Exhibit 8), the ARB may, as a courtesy to the Separate Association, direct the Association's ARB Coordinator to send a letter to such Separate Association's manager (or other point of contact for which the Association has received notice), notifying the Separate Association of the ARB's receipt of an Application for a major change from an Owner whose Lot is located within the Separate Association. Any such notification letter shall be sent solely as a courtesy and shall neither impede nor delay the ARB's review and processing of such Application. A Separate Association's failure to receive such a notice letter from the ARB shall not affect nor delay the ARB's consideration of an Application.

12. **Similar Improvements.** Granting approval for Improvements for one Lot or Parcel *does not automatically grant approval of similar Improvements for other Lots or Parcels.*
13. **Appeals:** If a homeowner disagrees with the ARB's disposition of an application, the homeowner may appeal to the ARB at one of their regularly scheduled meetings to discuss the decision. If the final decision by the ARB does not satisfy the homeowner, then the homeowner may appeal to the Board of Directors.
14. **Variances.** *Owners are advised that the ARB supports the application and enforcement of these Architectural Standards, and therefore, variances will not be*

***routinely granted.*** Requests for variances will be reviewed by the Board of Directors on a case-by-case basis. Each situation will stand on its own merit, regardless of whether similar variances have been previously approved for other Owners under similar circumstances. To be valid, any variance granted by the Board of Directors must be evidenced by a duly adopted written resolution of the Board of Directors. **Variances may or may not convey to future Owners depending on circumstances.** Records of all approved variances are filed in the associated Lot file.

15. **Grandfathered Exceptions.** Unless the Board of Directors, in adopting new Architectural Standards, specifies to the contrary, additions or alterations made by an Owner which were in “compliance” (**i.e., a prior Application had been approved**) under previous Architectural guidelines or standards shall not be in violation with current or future Architectural Standards, if such current or Architectural Standards conflict with or render the prior Architectural Standards invalid. The Board has the right to determine if such alteration needs to be removed at the time of sale or replacement of the alteration.
16. **After the Fact Fee.** Applications for exterior alteration which are received by the Architectural Review Board after the described work has been started or has already been completed shall be subject to an ARB administrative fee of **\$25.00** to cover the costs of additional correspondence and inspections. The ARB, in its discretion, may waive the fee. Emergency repairs will be excluded from this fee.
17. **Cease and Desist.** Owners commencing a Major Renovation without prior approval are subject to being served with a cease and desist order, may be brought to formal hearing and may be subject to charges to be determined by the Board of Directors in addition to any additional remedies available to the Association under its Governing Documents and applicable law.

## SECTION II ARCHITECTURAL STANDARDS

### **ANTENNAS (Television and Communication Antennas)**

The installation of television antennas and satellite dish structures is governed in accordance with the FCC Telecommunications Act of 1996, Section 207 (“FCC Act”). As stated therein, landlords or property owners’ associations cannot disallow the installation of devices which are one meter or less in diameter or require approval prior to installation. However, the FCC Act does allow a property owners’ association to regulate the location of such devices in order to minimize any negative visual impact to neighboring properties and to ensure the safety of installation.

Accordingly, an Application must be submitted to permit a record of such installation as an exterior Improvement and its placement on the property. The location of antennas and dishes, consistent with the ability to receive an acceptable signal, should be based on the following priority list, starting with the most preferred location:

1. Rear of the property below the wall level, not visible from the street;
2. Rear or side of house, below roof line, not visible from the street or screened from view by landscaping;
3. Rear or side of house, above roof line;
4. At front of property or the side facing the street on ground level and screened from view by landscaping.
5. A letter from the installation company is required if none of the above locations can be met.

Additionally, all wiring shall be concealed behind the siding and trim.

Neighborhoods with separate associations (i.e., “Neighborhood Associations”) may have additional guidelines pertaining to the placement of these devices. Therefore, it is necessary that the Owner also review the applicable Neighborhood Association’s Governing Documents. Installation of antennas or dishes on any Common Area or Neighborhood Common Area is prohibited, unless expressly permitted by the applicable Neighborhood Association, on Limited Common Area owned and maintained by the applicable Neighborhood Association.

Audio receiving and transmitting antennas as well as any dish structures in excess of one meter in diameter do not fall under the purview of the FCC Act. Therefore, any such proposed installations require an Application to be submitted and approved by the ARB before the start of installation.

## **ATTIC VENTILATORS, EXTERIOR**

**All attic ventilators (electric or solar) require an Application.**

The following Standards are intended to help balance individual economic interests with Neighborhood aesthetic concerns:

1. Ventilators shall be located on the rear of the dwelling whenever possible;
2. The ventilator should protrude no more than twelve (12) inches above the roof surface;
3. Blocking airflow through the ventilator should be accomplished from the inside of the dwelling.

## **AWNINGS**

**All awnings require an Application.**

The ARB will review these Applications based on the following:

1. Compatibility with the dwelling architectural character;
2. Consistency with the visual scale of the dwelling to which the devices will be attached;
3. Effects of awnings on view, sunlight and natural ventilation of neighboring properties;
4. Drawings of the proposed awning as installed in the stored and extended position;
5. If the proposed awnings will be removed for winter storage, framing structure also must be removed.

## **CHIMNEY CAPS**

Damaged or rusted chimney caps shall be replaced by non-corrosive material (i.e. galvanized or stainless steel) or painted with silver or gray rust resistant paint.

## **COMPOST BINS**

Compost bins require an Application.

Compost bins shall be kept in containers, inside a privacy fence or other concealed or screened area, so as not to be visible from the street.

## **DECKS AND PATIOS**

**All decks and patios require an Application.**

Applications should include the following:

1. A description of the materials to be used;
2. Location of the proposed deck or patio must be included on a copy of the plat. Drawings should be submitted which show elevations of the house, any railings or stairs to be constructed and dimensions and height above grade where applicable;
3. An explanation of any relocation of windows or doors, meters, and heating/air conditioning units;
4. A description of any changes in exterior lighting;
5. A description of plantings to be removed for construction of or added in conjunction with the deck or patio;
6. If a deck is to be stained, *the stain sample must accompany the Application*;
7. If railings are to be installed on the deck, a description of material and appearance shall be included;
8. Decks and patios shall not be painted;
9. Covering for patios and decks. (See pg. 51, Trellises, Pergolas, Arbors, Gazebos, Temporary Gazebos, Privacy and Screening Walls.)

### **DOMESTIC ANIMAL HOUSES AND DOMESTIC ANIMAL RUNS**

**All dog and domesticated animal houses require an Application.**

Dog runs are prohibited.

All dog and domesticated animal homes must be located behind the rear foundation line. They must be within a fenced yard. All domesticated animal home should be positioned to not to create a nuisance. The domesticated animal homes should match the dwelling.

For additional information regarding all animals, see the Association Rules item entitled "Animals".

### **DOORS**

All new exterior doors and replacement doors (including: front, side and garage doors) require an Application unless replacing with an identical style and color door.

All decorative door films/coverings require an Application. (See also Storm Doors.)

It is the Owner's responsibility to keep all doors in good repair. Please note: If a door is visibly dented/damaged/faded, this item will be viewed during the Association's regular review, and may need to be painted repaired or replaced.

### **DRIVEWAYS, WALKWAYS AND DRIVEWAY EXPANSIONS**

**An application is for all new driveways, driveway expansions and walkways**, which shall include size, location and materials proposed. Stamped concrete driveways also require an Application. Any modification to / alteration of an existing driveway requires an Application.

No Application is required for repairs/replacements as long as such repairs/replacements use the same materials and color as the original construction. Driveway seal coatings are the same color as the current driveway do not require ARB approval. Driveway cracks/repairs shall use a filler material that matches the existing color of the driveway as closely as possible.

All driveway expansions in existence as of September 1, 2001 are retroactively approved. However, in order to conserve green space, new driveway expansions will be considered by the ARB on a case by case basis.

Painting of concrete or aggregate driveways, sidewalks, walkways, stoops, front steps or front porch floors is prohibited.

### **FENCES**

**Any new fence or modification or addition to existing fencing requires an Application.**

The Association has established special fence standards for certain Neighborhoods. See Exhibit 4, pg. 56.

#### **Definitions:**

**Type 1 Fence:** (See Exhibit 1, pg. 53.) Only a Type 1 fence may be constructed along Kiln Creek Parkway and Brick Kiln Boulevard. Only a Type 1 fence will be considered a privacy fence.

**Type 2 Fence:** (See Exhibit 2, pg. 54.) A Type 2 fence, because of its height and open slats, cannot be considered a privacy fence. Lake and golf course properties shall only have Type 2 fencing.

Front yard fencing is prohibited.

Only approved fences are permitted. Approved fences must be of the type specified in the diagrams and list attached to these Architectural Standards as Exhibits 1 through 4. Only one type of fence should be used on a Lot: mixed or partial fencing will only be allowed under special circumstances.

No fence may be installed across, around or through pedestrian access or utility easements as shown on plat surveys. Owners are responsible for maintenance of easement areas unless Neighborhood specific rules apply.

Fences should be constructed from the two (2) primary rear corners of the home and along the property lines. Symmetry of appearance when seen from the front of the home will also be a consideration of fence placement. Framing and posts must be on the interior of the fence, resulting in a smooth area on the exterior of the fence.

Fences shall not be painted. Fences may be coated with a clear weatherproofing agent or a semi-transparent stain. Choices of stain colors are available at the Association's office. Proper maintenance on both sides of all fences is required to assure a quality appearance. Washing or any other convenient method is recommended to prevent algae/mold and mildew build-up, followed by the application of a finish.

Fences made of composite material (i.e. vinyl, Trex, etc.) in place of wood will be considered if color, height, and style is same as current standard.

Damaged fencing shall be repaired within thirty (30) days of damage occurrence, and repairs must duplicate the original or approved fencing.

Alternate gate styles will be considered on a case by case basis.

Builder signs are not permitted on newly constructed fences. Upon change in ownership grandfathered signs should be removed.

Chicken wire used to keep out rabbits or other animals may be used on the bottom half of Type II fences only.

**FIRE PITS** must be a minimum of five (5) feet from the property line.

### **FLAGS, FLAG POLES AND DISPLAYS**

The flying of an American flag no larger than 3'X 5' is encouraged and does not require an Application. Flying one (1) decorative flag (no larger than 3' X 5') is allowed and does not require an Application.

Free standing flag poles are prohibited.

All flags must be affixed to a flag staff that is bracket-mounted to the front of the home. Decorative flags may not portray any design, language or scene which may be construed as offensive.

Note: American flags may be displayed at the Neighborhood entrances on federal holidays, as well as on September 11<sup>th</sup> ” All flags must be displayed and flown according to established flag etiquette. Any other flags or wind propelled displays (windmills, windsocks, chimes, etc.) require an Application and approval prior to being displayed.



## **FOUNTAINS AND WATER FEATURES**

All fountains and water features such as fish ponds, waterfalls, etc. require an Application. All fountains and water features shall:

- Contain no stagnant water;
- Be treated to prevent mosquitoes;
- Be attractive and appropriately sized;
- Not create noise that will disturb the neighbors.

The preferred location for all fountains and water features is in the backyard of a Lot.

## **GARDENS**

All vegetable/fruit gardens less than 100 sq. ft. and located behind the rear of the house do not require an Application.

All other gardens require an Application.

## **GENERATORS**

### **Exterior Standby Power Generators**

An Application must be submitted and approved by the ARB prior to the installation of a fixed exterior standby power generator.

Because of the intrusive nature of this equipment due to its large size, the resulting noise produced, and the small Lot sizes in Kiln Creek, the Owner must exercise care in properly locating a standby generator on his or her Lot so as to minimize the visual and noise impact on their neighbors.

The following general restrictions apply for Exterior Standby Generators:

- Fuel- Only piped natural gas is permitted
- Noise- Sound output, as specified by the manufacturer, shall not exceed 69 dba at the rated capacity
- Operation- System shall operate only during periods of utility power failure, except for periodic testing at reduced power.
- Enclosure- The unit shall be completely enclosed. The enclosure shall be corrosion resistant and of a neutral color.

The Application shall also include a depiction of equipment's specific location on the Lot, a brochure depicting the equipment with its capacity and noise rating specified, and any other exterior changes, including landscaping changes or additions.

#### Portable Generators

All emergency electrical generators are considered portable equipment and, as such, do not require an Application. However, portable generators shall not be placed or stored outside of the Dwelling Unit except when in actual operation during a power outage. Extreme care must be taken to prevent the carbon monoxide exhaust from entering the garage or house and, in the storage of fuel containers for such generators.

Users of portable generators, which are significantly noisier than enclosed fixed equipment, should be considerate of their neighbors by limiting usage hours.

#### **GEOTHERMAL HEATING AND AIR CONDITIONERS**

All new Geothermal Heating and Air Conditioners require an Application.

#### **GUTTERS AND DOWNSPOUTS**

When replacing existing gutters and/or downspouts or portions thereof (including leaf guard gutters), no Application is necessary. **However, an Application is required if an Owner is installing gutters and/or downspouts for the first time or in any way altering the existing system, e.g., changing color or relocating the existing systems.**

No installation should adversely impact the proper drainage of the Owner's Lot or that of any adjoining property.

Proper maintenance requires that gutters and downspouts be kept in good repair.

#### **HEATING AND AIR CONDITIONING UNITS**

**An Application is required prior to installation or relocation of an external heating and/or air conditioning unit.**

Replacement of an existing unit with a unit of similar size and in the same location as the unit being replaced does not require an Application.

No heating and/or air conditioning units shall be located in the front of the home and all units shall be suitably screened from view. Window and wall A/C units or window fans shall be allowed provided they do not protrude beyond the outer wall of the house and are not located in the front of the house.

Equipment must be of a neutral/earth tone color.

## **IRRIGATION/SPRINKLER SYSTEMS**

**An Application is required prior to the installation of an in-ground irrigation or sprinkler system.**

Backflow preventers must be located on the side or rear of the house so as to be shielded from view from the street and neighboring properties.

Water wells are not permitted. (See “Water Wells”)

## **LANDSCAPING**

**An Application is required along with a plat or plan indicating the position and materials *for the following*:**

1. **Installation of new landscaping (including trees)**
2. **Re-sizing of existing beds**
3. **Installation of edging around landscaped beds**

Landscape borders shall be a maximum of eight (8) inches above the ground level. All edgings should be earth tone or neutral in color and will be considered on a case by case basis (please present a sample). Edging must be maintained to original appearance.

When installing landscaping materials such as stone, blocks, wood or bricks, such materials shall be uniformly stacked and neatly arranged. Over time, these landscaping materials may become disjointed or broken, at which point they shall be repaired or replaced with the same approved material. Segmented edging is not permitted; **except** as noted in Exhibit 7 on pg. 64. If installed, such segmented edging shall be recessed in the ground so that only the top “bulb” of the edging is seen.

4. **Installation of all bed coverings other than wood mulch.**

Please submit a sample of the bed covering to the ARB. *Replanting of existing beds or mulch replacement with earth tone or redwood stained mulch does not require an Application. Other colored mulch is not permitted.*

5. **Protective netting systems.**

An Application is required for all netting systems. Netting must be removed when no longer in use.

## **LAWN/FLOWERBED ORNAMENTS**

Lawn/Flowerbed ornaments shall be defined as including, **but not be limited to**: statues, fountains, sundials, figurines, bird baths, planters, weather vanes, whirligigs, plaques, garden

signs and furniture. All Applications must be accompanied by a plat layout of the location of each ornament and its type and size. Ornaments made of natural materials such as wood, pottery, stone or metal are preferred. Lawn ornaments may not portray any design, language or scene which may reasonably be construed as offensive.

**Plastic Ornaments** require an Application and will be reviewed on a case-by-case basis.

Ornaments being placed in the lawn, rather than the flowerbed require an Application.

**Artificial Flowers and Plants** in hanging baskets or on porches, including wreaths/decorations are acceptable without application; however, they shall not be visibly faded. Artificial flowers and/or plants are not permitted on lawns or in flower beds.

**All Lawn Ornaments visible from the street require an Application except as noted below. This shall include window planters and plastic ornaments which will be evaluated on a case by case basis as they tend to fade/break more easily.**

**Exception: Each Lot may display up to five (5) lawn ornaments 24 inches or less in height without submitting an Application.**

One (1) Egret under 48 inches tall does not require an Application.

One (1) birdbath on the property does not require an Application.

In making its determination the ARB will consider the number and size of lawn ornaments based in part upon the Lot size, ornament(s) location and other features such as shrubs, flower beds and proximity to road and driveway. The ARB reserves the right to approve or disapprove any lawn ornament Application on a case-by-case basis. Neighborhood Associations may have specific rules regarding lawn ornaments; please also consult your applicable Neighborhood Rules.

## **LAWN FURNITURE**

Lawn furniture shall mean furniture located in flower beds or on a front lawn. Lawn furniture requires an Application. This includes, but is not limited to park benches and gliders. All lawn furniture shall be maintained in good condition.

## **LIGHTING**

The replacement of an approved existing exterior light fixture with an exact match to the old fixture does not require an Application. **In instances where a change in the style, size, shape, color or position of the fixture will occur, or if new light fixtures are to be installed where there were none before, an Application is required.**

### **1. Permanent Exterior Lighting**

All exterior lighting should be chosen and installed so as to match the style of the home.

**All new security lighting requires an Application.** Flood lights and various types of high output lights are considered security lighting. Exterior lighting of this category should be considered more carefully because of the impact on neighboring properties. New light fixtures of this type should be aimed so that they illuminate only a specific area, such as a doorway. Some high output light fixtures may have to be shielded in a manner similar to some street light installations to prevent unwanted or excessive intrusion of light from one property to another.

**All new low voltage yard, deck or house lighting requires an Application and will be considered on a case-by-case basis.** The style of the lighting should be complimentary to the style of the house. The Application must be accompanied by a plat showing the number and exact location of the fixtures. The top of the yard fixtures are not to exceed fifteen (15) inches above *ground* level. All low voltage lighting must be maintained in proper operating order.

2. **Temporary/Holiday Lighting.** See Rules Item entitled “Holiday/Seasonal Decorations and Lighting”.

## **MAILBOXES**

Mailboxes for residences within Kiln Creek must be of the type specified in the lists and diagrams attached to these Architectural Standards as Exhibits 5, 5a, 5b, 5c and 5d on pgs. 58-62.

Mailboxes shall be numbered. Mailbox numbers for the Colonial Style boxes shall be 3 to 4.5 inches in height and clearly defined.

Mailboxes and posts when being replaced may be made of wood or PVC material.

Mailboxes and posts shall be painted white or the color to match the trim on the Dwelling Unit.

Mailboxes and posts shall not have more than five (5) nails or similar bird deterrent spikes. Other deterrents require an Application.

**MAINTENANCE.** As provided in Section 7.2 of the Declaration, each Owner shall keep all Lots and Parcels owned by him or her, and all Improvements therein or thereon, in good order and repair, free of debris, all in a manner and with such frequency as is acceptable to the Association and consistent with a first-quality development. Please see the Rules Item entitled “Maintenance”. Examples of such maintenance items contained in the Rules (pg. 14) are:

1. Maintenance of Lot During Exterior Construction/Remodeling/Renovation
2. Construction, Remodeling and Renovation Restrictions.

## **MAJOR BUILDING ADDITIONS AND RENOVATIONS**

**All major building additions, exterior renovations and any interior renovation which alters the outside of the home (i.e., cutting new windows or doors) (“Major Renovation”) require**

**an Application accompanied by working drawings and specifications and a copy of the physical survey and Plans.**

During any additions or renovations the property must be properly maintained. (See Rules Section entitled “Maintenance of Lot During Exterior Construction/Remodeling/Renovation” on pg. 15).

Major Renovations include, but are not limited to, greenhouses, porches, sunrooms, kitchen or bath renovations and room additions.

The design of major additions and exterior renovations shall be consistent with the existing shape, style and size of the dwelling in the following ways:

1. Siding, roofing, brick, and trim materials shall be the same as, or compatible with, the existing materials of the dwelling in color and texture.
2. New windows and doors shall be compatible with those of the existing dwelling in style and color. These shall also be located on walls at the same approximate height as those of the dwelling and be trimmed in a similar manner.
3. Roof eaves and fascias should be the same depth, style and approximate height as existing eaves and fascias. New roofs should be approximately the same slope as those existing on the dwelling.

Porches or other additions changing the footprint of the house will require approval in addition to a County/City building permit.

The following conditions shall determine the acceptability of additional locations:

1. Additions should not significantly impair the view, amount of sunlight, ventilation of adjacent residences or the public’s use or enjoyment of open space.
2. New additions should not create situations in which adjacent neighbors will have difficulty adding to, modifying or maintaining existing dwellings.
3. Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.

### **PAINTING AND STAINING EXTERIOR**

**Painting/repainting or staining an exterior part of the home does not require an Application as long as the Owner is using a currently approved color for their Neighborhood.**

**If using a color that is not on the approved color list you must submit an Application.**

To ensure continued attractive Neighborhood appearance, the painted and/or stained exterior portions of all Dwelling Unit and accompanying structures shall be maintained by re-painting or re-staining on a regular basis.

Original documents from Villages Kiln Creek indicate the Developers and Builders followed a traditional, Colonial Williamsburg-style color scheme. As homes in the Villages of Kiln Creek continue to age it has become problematic to determine what the original, approved color was as applied by the builder. Additionally, some Neighborhood Associations have individual paint color restrictions which must be observed, while others do not. Recognizing that the traditional “look” of Kiln Creek is important to enhancing all Owners’ property values, the ARB has worked to develop an extensive list of paint color choices. **An approved color list is available through the Association’s office.** Paint colors shall be selected from this palette.

**If applicable, refer to your Neighborhood property management company for approved colors.**

#### **PLAY EQUIPMENT: SWING SETS – SANDBOXES - JUNGLE GYMS, ETC.**

**Play equipment (including swing sets, sandboxes, jungle gyms, trampolines, etc.) requires an Application.**

The following Standards are intended to assist in both planning the play area and filing the necessary Application:

1. All play equipment should be located behind the rear foundation line in such a way as to minimally affect any site line or neighbor's view. Whenever possible the equipment should not be visible from the street. The ARB will consider the site-line impacts on a case by case basis. ARB consideration will be given to those Lots unable to comply with this restriction.
2. No play equipment shall be located within ten (10) feet of the Owner’s property line. ARB consideration will be given to those Lots unable to comply with this restriction.
3. See the Rules Item entitled “Play Equipment, Strollers, Etc.”.
4. The ARB reserves the right in its sole discretion to limit the number of play equipment/structures depending on size and layout of the Lot.

#### **RAIN BARRELS**

All rain barrels require an Application.

#### **RECREATIONAL/ATHLETIC EQUIPMENT – PORTABLE BASKETBALL GOALS**

*Permanent* pole mounted or house mounted basketball goals are prohibited.

**Full-size *portable* basketball goals do not require an Application; however, they MUST comply with the following criteria:**

1. Only one portable basketball goal is permitted on a Lot.
2. If a driveway is less than twenty (20) feet long, a basketball goal is prohibited.
3. Basketball goals may not be located on any Neighborhood street, Common Area, Neighborhood Common Area, common parking pad or parking lot, nor can they be placed closer than twenty (20) feet from the end of the driveway at its termination onto the street.
4. Portable goals shall not be located within ten (10) feet of any Owner's property line.
5. The basketball goal must be properly maintained (including the net) and must be of proper construction.
6. The base of the portable goal must be filled with sand or other suitable material to provide stability to the structure. Objects may not be placed on the goal's base.
7. If the portable goal is to be folded down for maintenance or other reasons, it should be stored so as not to be visible from the street or neighboring properties.
8. Claymill Corner & Lakeside shall not have portable basketball goals. Individuals in other Neighborhoods will need to contact their management companies and/or check their Supplemental Documents to see if any additional restrictions on portable basketball goals apply.

#### **RESIDENTIAL IDENTIFICATION SIGNS (HOUSE NUMBERS)**

All permanent signs except for house numbers require an Application.

No more than three (3) sets of house numbers are permitted. One set of numbers is required to be displayed conspicuously on the house and one set is required to be on the mailbox/post; except for those Neighborhoods with cluster mailboxes (see Exhibits 5, 5a, 5b, 5c and 5d). An additional set may be displayed as a lawn/flowerbed ornament. Numbers should be 3 to 4.5 inches in height. Painting house numbers on the curbing is prohibited.

#### **RE-SIDING, RE-ROOFING AND RE-STYLING**

##### **Re-Siding**

As the homes in the Villages of Kiln Creek age or are damaged it will become problematic that the style and color of the original siding may become unavailable when manufacturers change their product line. Attached homes are of special concern with regard to the continuity of color and style of material. Owners must submit samples of the old and proposed new material along with their Application **prior to installation** for ARB consideration.



## **Re-roofing**

Roofs may be repaired or replaced without Application or ARB review **only** on fully detached homes and **only** if replacement shingles selected are the same as original or closely approximates the color and texture of the original. This includes change from standard to architectural type shingles. Creased or sheet-style metal roofs are not permitted except for existing metal roofs over entranceways, dormers & porches, which may be replaced with the same material.

**All other cases**, such as attached homes/condos with common roofs, changes in roof color and/or texture or roofing, require prior Application and ARB approval. A sample of proposed shingle shall be included in any Application.

## **Re-styling**

Re-styling requires an Application.

Re-styling is a change which alters the external appearance of a dwelling and requires an Application. Such changes include, but are not limited to, the following: alterations to porch railings, shutter shape or size, windows of a different style, permanent window boxes, change in door style and change to or addition of trim not originally on the house.

## **ROCK GARDENS**

**Rock gardens require an Application accompanied by a plan and materials list.** Rock gardens will be considered on a case-by-case basis and are intended to provide aesthetic benefit to the appearance of the Lot. In no case can an entire lawn be planted as a rock garden.

## **SHEDS OR OTHER ACCESSORY STRUCTURES**

1. **A shed or other accessory structure requires an Application.** The Application should include a detailed plan specifying the proposed structure's Lot placement, its dimensions, and the materials to be used. A sketch of the proposed structure accompanied by site plans, elevations, dimensions and height above grade are also necessary. Exterior walls, planes and masses should be of a scale compatible with the size of the Lot and the dwelling on the Lot.

Sheds and accessory structures are considered a major structural change and are not to be considered temporary structures; therefore the construction must be of quality materials. (Refer to above Section entitled "Major Building Additions and Renovations"). The siding and roof materials must be of the same type and color as the dwelling. THEREFORE, NO METAL, PLASTIC OR PLYWOOD EXTERIORS OF ANY TYPE WILL BE ALLOWED.

Only one (1) shed per Lot will be permitted. The overall base area of such structure shall not exceed one-hundred and fifty (150) square feet with a maximum height of ten (10) feet from ground level. Such a structure shall be of a mass and scale compatible with the size of the Lot and the dwelling.

All sheds and accessory structures must be anchored firmly in place, either to a concrete slab, a suitable foundation of cement block, or secured with screw anchors to reduce the possibility of the shed or accessory structure becoming detached in a severe wind storm. The shed or accessory structure must be located behind the rear foundation line of the dwelling and be located in such a way as to minimally affect any sight-line or neighbor's view. The ARB will consider the sight-line impacts on a case-by-case basis and each case will stand on its own merit regardless of whether similar cases have been previously approved for other Owners in the area.

Homes having brick, stone, stucco or dryvit exterior walls (which are not practical for sheds) may select a siding for a shed of composite shingles (hardiboard), wood shingles or horizontal vinyl clapboard design siding. The finished color of the siding shall approximate the color of the house. The shed roof shall be the same type and color as the house. Plywood or batt and board siding is not permitted.

Sheds must be located at least five (5) feet from the property line.

If electric power will be installed in such sheds or other accessory structures, please specify the amperage of the service. Please note that all exterior wiring shall be routed underground.

2. Rubbermaid and similar molded plastic storage structures, excluding a shed which is addressed in the previous paragraph, must be made of heavy duty, quality material with a height of no more than sixty (60) inches and have a floor area no greater than twenty-five (25) square feet. Color must be neutral and remain unpainted. They must be placed behind the rear foundation line of the dwelling immediately adjacent to the dwelling such as on a deck or patio, so as not to block a sight line or neighbor's view. Consideration will be given to those Lots whose size makes them unable to comply with these ARB restrictions.

3. All other storage containers require prior notification to the office. Extenuating circumstances requiring longer durations must be approved by the Board.

### **SOLAR COLLECTORS**

Due to the large visual impact solar panels can have on a community; **Solar panels/collectors require an Application.**

The proposed solar panels must:

- have a minimal visual effect on the immediate Neighborhood
- not be readily visible from the street
- lie flat upon the dwelling's roof
- be located on the rear roof
- conform to local building and plumbing codes

## **STORM DOORS / SCREEN DOORS**

Newly installed storm doors or the replacement of an existing storm door must be full view and clear and do not require an Application. The color of the storm door frame shall match the color of the house trim, door, or be white. (See Exhibit 6.) Any other configuration of storm door requires an Application.

Storm doors with etching will be allowed only around the edge of the glass no more than three and a half (3.5) inches from the door frame and require an Application.

All decorative film/coverings require an Application.

Double door entries require two (2) matching storm doors.

For the single rear doors that face a back yard, deck or patio a self-storing storm and screen combination door is permissible with the colors to match the existing trim around the door or be white.

## **SWIMMING POOLS, HOT TUBS AND SPAS**

### **Above Ground Swimming Pools**

Above ground pools are prohibited.

Children's wading pools are permitted without Applications. However, depth shall not exceed one (1) foot and diameter shall not exceed six (6) feet.

1. All such pools must be drained when not in use and stored out of sight or be kept to the rear of the two primary rear corners of a dwelling.
2. However, they must be located so as to be drained without affecting neighboring properties.

### **Hot Tubs and Spas**

**All hot tubs and spas require an Application and are considered a major addition.** Some of the criteria for Application review include:

1. Whether installation requires excavation, and if so, the effect of excavation upon adjacent properties, lakes, and other topographical features and environmental impact.
2. A scale drawing showing the proposed tub or spa situated on the plot.
3. The visual effect on adjacent properties.

Hot tubs and spas must be located behind the rear foundation line. ARB consideration will be given to those Lots unable to comply with this restriction.

Inflatable hot tubs are **not** permitted.

### **In-ground Pools**

In ground pools require an Application. Due to the complex nature of in-ground pool installation, Kiln Creek has created specific in-ground pool criteria, which **must be obtained at the Association's office**. Please review the criteria before beginning the Application process.

### **TRASH CONTAINER ENCLOSURES**

Trash enclosures require an Application.

If applying a color stain to the enclosure then the stain color must be approved by the ARB.

### **TREE AND VEGETATION REMOVAL**

The Association encourages the conservation of all trees and vegetation in our community.

The **following trees/shrubs require that an Application** be submitted and approved *before* they can be removed:

1. A tree having a trunk diameter of five (5) inches or more, when measured at a height of three (3) feet above the ground.
2. Flowering or ornamental evergreen trees or shrubs having a trunk diameter of three (3) inches or more when measured at a height of three (3) feet above ground level.
3. Vegetation on slopes greater than twenty (20) percent.
4. Areas marked on recorded subdivision plats as "no cut" areas.

Note: In order to make an informed decision regarding an Application, the ARB may require a statement from an arborist stating that the tree is diseased, damaged, or should be removed for other reasons. Therefore, in accordance with Section 6.3 of the Declaration, the ARB may hire a certified arborist and the Owner agrees to pay all fees incurred.

All trees and shrubs approved for removal should be ground out or dug up. If Owner chooses stump may be cut at ground level and covered with soil.

The ARB will generally request that a tree or shrub that is removed be replaced with new planting at the first appropriate planting season. The ARB encourages trees that reach maturity in five to seven years. Trees recommended by the ARB include, but are not limited to, the following:

Crepe myrtle	Japanese Maples	Ornamental Evergreens
Birch	Sycamore	Red Bud
Service Berry	Flowering Cherry	Crabapple
Dogwood	Fringe Tree	Star Magnolias
Saucer Magnolias	Cleveland Pears (replaces Bradford Pears)	

Extensive pruning of trees, as opposed to seasonal pruning, shall require ARB approval.

### **Emergency Removal**

If an Owner believes that a tree is in imminent danger of falling, such Owner may remove said tree without prior authorization of the ARB; however, the Owner is required to notify the Association office in writing and/or with photographs with reasons for the tree's removal within two (2) weeks of the removal. Trees that have fallen as a result of a storm shall be removed and the stump removed as specified in this section.

Removal of a tree(s) without prior ARB approval when there was no imminent threat is a violation of these **Architectural Standards** and may subject the Owner to a formal hearing and charges and/or additional remedies available to the Association under the Governing Documents and applicable law.

### **TRELLISES, PERGOLAS, ARBORS, GAZEBOS, TEMPORARY GAZEBOS, PRIVACY AND SCREENING WALLS**

**All trellises, pergolas, arbors, gazebos, privacy walls and screening walls require an Application.** The ARB will consider the site line impacts of these structures on a case by case basis.

If the structure is to be stained or painted, a color sample must accompany the Application. The ARB encourages the use of a clear weatherproofing agent in lieu of a stain.

Temporary gazebos require ARB approval and shall be anchored. If temporary gazebo is placed on a deck then it must be bolted to the deck.

Neighborhood Associations have established their own criteria with respect to trellises, pergolas, arbors, gazebos and privacy/screening walls. Owners of Lots in such Neighborhoods are advised to consult their Neighborhood Association's governing documents prior to submitting an Application.

### **VENTS & VENT COVERS**

Dryer, bathroom and range/hood vents on the side walls of your home require a cover of a louver or basket type.

## **WATER WELLS**

**The installation of a well is prohibited** due to the high iron content of the subsurface water under Kiln Creek. The “red water” permanently stains fences, walkways, driveways and sidewalks. Previously approved wells may remain in place.

## **WINDOWS**

### **Window Screens**

In order to maintain a uniform look on the front of the house, if one double-hung window has a screen then all double-hung windows must have screens.

### **Replacement Windows**

All window replacements require an Application. In order to preserve the original architectural styling of the house, replacement windows shall retain, as closely as possible, the same style as the original window configuration (i.e. if the original window style was double hung with 6 over 6 grids in each pane, then the proposed replacement window should also be double hung with grids).

All other proposed window replacements, including changes in size, configuration, type or color require ARB approval.

### **Window Tinting and Film**

Light reducing films shall be a neutral color. The visible light transmittance shall be fifty percent (50%) or greater. All window tinting and films require an Application.

### **Decorative Window Films**

All decorative window films require an Application.

**Window Treatments:** See Rules #37 on pg. 22

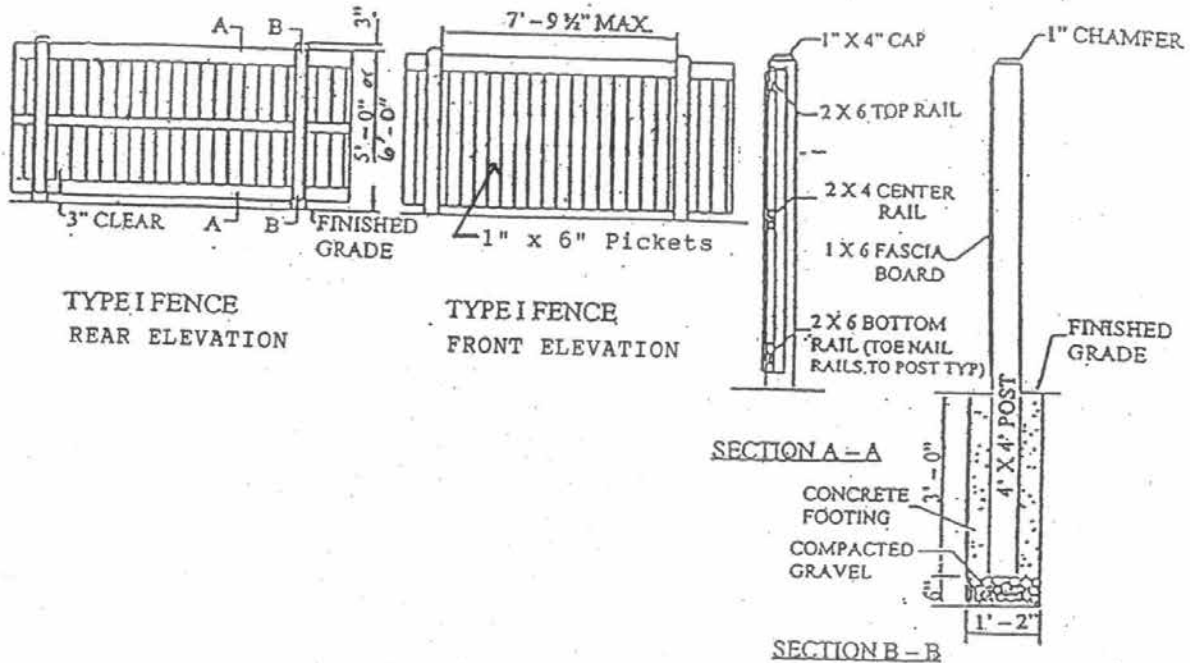
## **WIND POWERED GENERATORS**

Wind powered generators require an application.

## **OTHER ALTERATIONS**

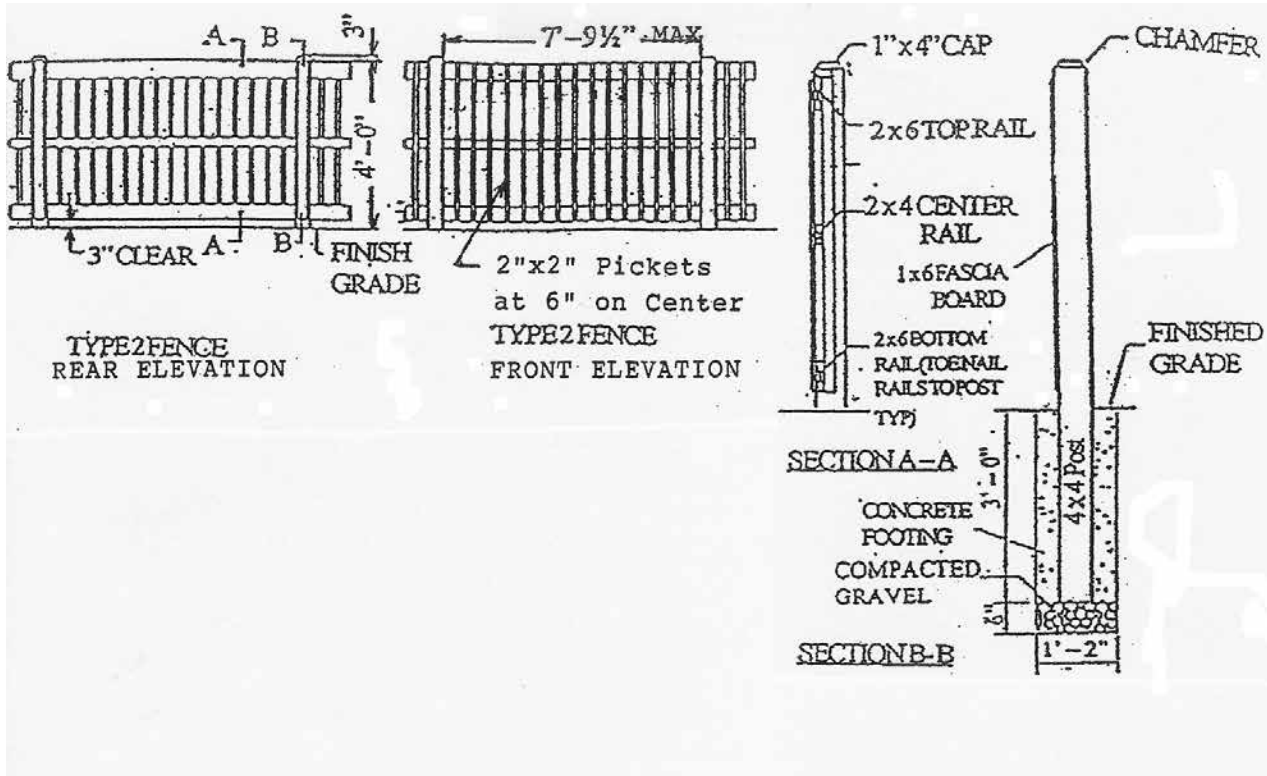
Proposed exterior alterations which are not addressed in these Architectural Standards require submittal of a complete Application.

## Exhibit 1 Type 1 Fence Criteria



1. All wood members to be pressure-treated Southern yellow pine, grade 2 or better, or clear white cedar or wood tone colored composite material.
2. All wood members are to be free of warp or weave.
3. All lumber sizes shown are nominal sizes.
4. All gates shall match design of the applicable fence to which they are attached.
5. All hardware and fasteners shall be aluminum, stainless steel or hot-dip galvanized finish, sized to suit Application.
6. No fence shall be erected in front of the two primary rear corners of a dwelling, except to be placed in front of a side air-conditioning unit or a side garage door. Other exceptions will be decided on a case-by-case basis.
7. The front elevation (smooth side) of Type 1 and Type 2 fences shall face **outward** from all single-family Lots.
8. Only Type 1 fence shall be constructed along Kiln Creek Parkway and Brick Kiln Boulevard. Fences facing these roads shall remain natural or have a clear weatherproofing. Staining of fence is not permitted along these roads.
9. Fences which do not meet all criteria contained herein shall not be allowed.
10. Type I fencing may be 5 feet or 6 feet in height.

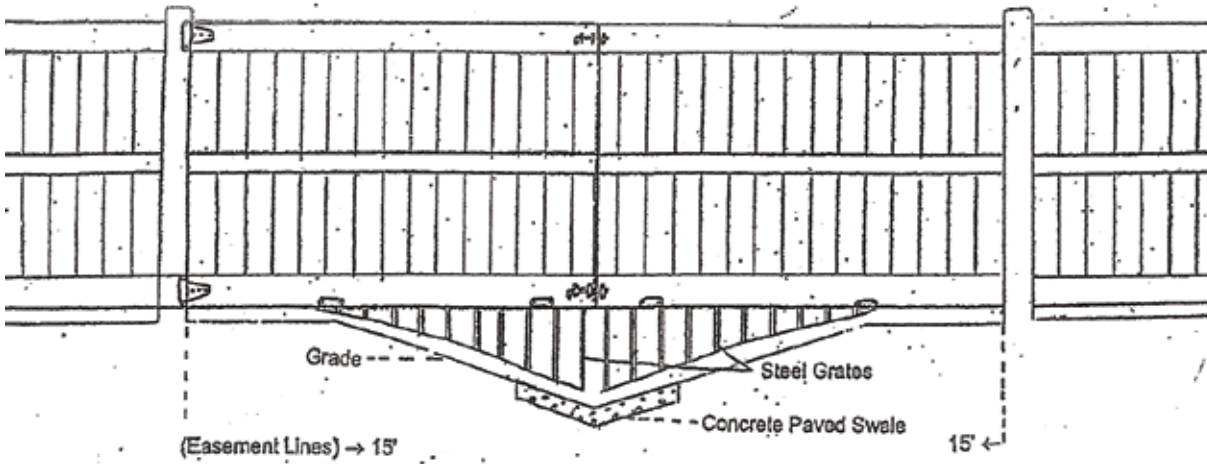
## Exhibit 2 Type 2 Fence Criteria



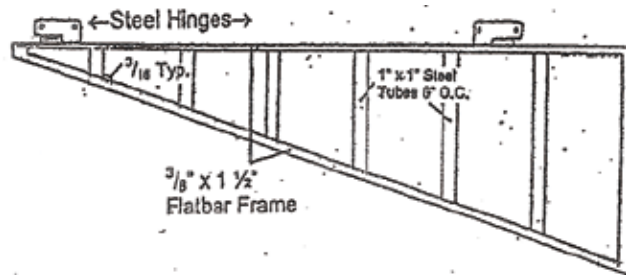
1. All wood members to be pressure-treated Southern yellow pine, grade 2 or better, or clear white cedar or wood tone colored composite material.
2. All wood members to be free of warp or weave.
3. All lumber sizes shown are nominal sizes.
4. All gates shall match design of the applicable fence to which they are attached.
5. All hardware and fasteners shall be aluminum, stainless steel or hot-dip galvanized finish, sized to suit Application.
6. No fence shall be erected in front of the two rear primary corners of a dwelling, except to be placed in front of a side air-conditioning unit or a side garage door. Other exceptions will be decided on a case-by-case basis.
7. The front elevation (smooth side) of Type 1 and Type 2 fences shall face **outward** from all single family Lots.
8. Type 1 fence shall be constructed along Brick Kiln Boulevard and Kiln Creek Parkway.
9. Only Type 2 fence may be constructed along lakes and golf course.
10. Type 1 or Type 2 fence may be constructed along other applicable Lots not defined in Notes 8 and 9 above.
11. Fences which do not meet all criteria contained herein shall not be allowed.



**Exhibit 3**  
**Lake Cambridge Required Drainage Easement Fence with Gate**



**Type 1 Fence**



**Steel sections must be primed and painted steel gray.**

**Exhibit 4**  
**Architectural Standards for Fences**  
**Listed By Neighborhood**

New fences or replacement fences must meet the particular fence type requirements for individual Neighborhoods, as follows:

<b>Avery Woods</b>	Types 1 and 2 only
<b>Cascades</b>	5 foot Type 1 fence around trash units; 4 foot lattice type fence around mechanical units
<b>Claymill Corner</b>	6 foot stockade and 6 foot shadow box dog ear. At time of replacement, must be replaced with a 6 foot shadowbox dog ear fence.
<b>Dunhill</b>	Types 1 and 2 only
<b>Eagle Sound</b>	No fences
<b>Edgewater</b>	Types 1 and 2 only
<b>Fairways</b>	5 foot Type 1 with 18 inch lattice top around trash units (these will become standard 6 foot Type 1 when they need to be replaced)
<b>Featherstone</b>	6 foot shadowbox dog ear fence around trash units; 3 foot shadowbox dog ear fence around mechanical units
<b>Gleneagles</b>	4 foot with 18" lattice top and cap
<b>Highlands</b>	Types 1 and 2 only
<b>Hollingsworth</b>	Types 1 and 2 only
<b>Images</b>	Types 1 and 2 only
<b>Ivystone</b>	Dog ear flat
<b>Lake Cambridge</b>	Types 1 and 2 only, with required drainage easement fence with gate when necessary.
<b>Lakeside</b>	6 foot dog-ear, 3 foot dog-ear, Types 1 and 2. When the dog-eared fences need to be replaced, either a Type 1 or Type 2 fence (as noted in Exhibits 1 and 2) shall be installed.
<b>Lexington</b>	Types 1 and 2 only.

<b>Masters</b>	Builder-installed 6 foot dog ear, painted to match existing fences.
<b>Oakwood</b>	Types 1 and 2 only
<b>Pinehurst</b>	6 foot stockade (5 ½ inch “W” boards) with 1” x 6”, flush with top rail, 3 back rails on 4” x 4” posts
<b>Players Choice</b>	Types 1 and 2 only
<b>Rock Creek</b>	Types 1 and 2 only
<b>Royal Colven</b>	Types 1 and 2 only
<b>Sanctuary Woods</b>	Types 1 and 2 only
<b>Shoreline</b>	No fences
<b>Southlake</b>	Types 1 and 2 only
<b>Tradewinds</b>	Types 1 and 2 only
<b>Villas</b>	No fences
<b>Waterford Pointe</b>	Types 1 and 2 only
<b>Westgate</b>	Types 1 and 2 only
<b>Willow Point</b>	Type 1 or Type 2 fences shall be installed to replace all perimeter fencing (including all dog ear fences). Privacy fencing (new and replacements) between Lots shall be six (6) foot Type 1 fence with framing structure facing inward. Type 1 and Type 2 fences may be coated with a clear weatherproofing agent or an approved semi-transparent stain. Choices of stain colors are available at the Association office. <b>Existing gray dog-eared fences shall be stained with Behr “Light Lead” DR542 Solid Wood Stain.</b>
<b>Windbrook</b>	Typical 5 foot Type 1 with 18” lattice top around trash units (these will become standard 6 foot Type 1 when needed to be replaced)

Only original fences peculiar to individual Separate Associations may be replaced with like fences. These fence types were granted to the builder. Additional fencing must be either Type 1 or 2.

**NOTE:** Regardless of information listed above, all fences along Kiln Creek Parkway and Brick Kiln Boulevard may not be painted or stained. However, washing and an Application of a clear weatherproofing agent is required.

## Exhibit 5 Colonial Mailbox Specifications

Mailboxes must be either a Colonial “open top” model, or a Colonial “open front” model.

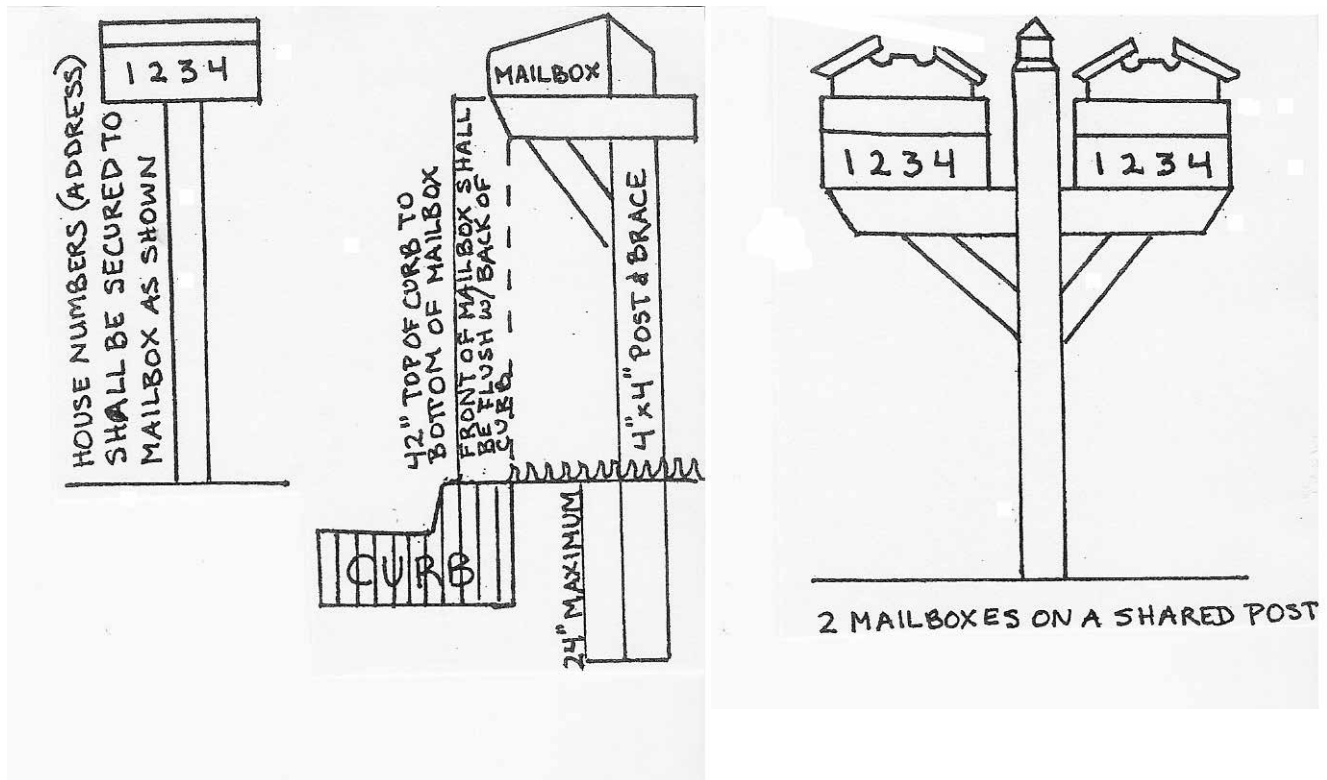
The “open top” model is preferred (but not required) by the US Postal Service.

PVC models of the Colonial mailboxes are available at local hardware stores.

When replacing Colonial Mailboxes, they may be replaced with PVC or wood.

The mailbox must be mounted on a 4” x 4” treated wood/cedar post with brace or a 4” X 4” plastic (composite) post with top cap and brace.

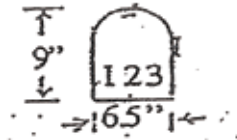
The posts must be located relative to the curb as shown. The mailbox and post must be one color to match the house, the house trim or white, except where two mailboxes share the same post, in which case, both the mailbox and post shall be white. The house numbers may be black or brass and must be displayed on the front or side of the mailbox, in accordance with postal regulation.



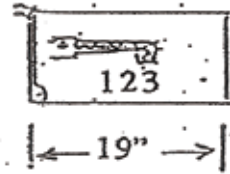
## Exhibit 5a

### Willow Point Mailbox Specifications (White Metal or Plastic)

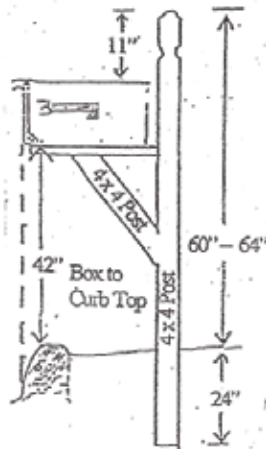
Front View



Side View



House numbers must be on the front or side of the mailbox.



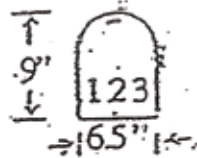
Front of the box is flush with back of curbing

**\*\*Post must be painted white**

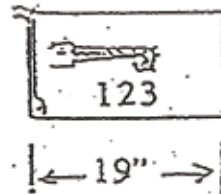
**Exhibit 5b**

**Claymill Corner Mailbox  
(Black Plastic or Metal)**

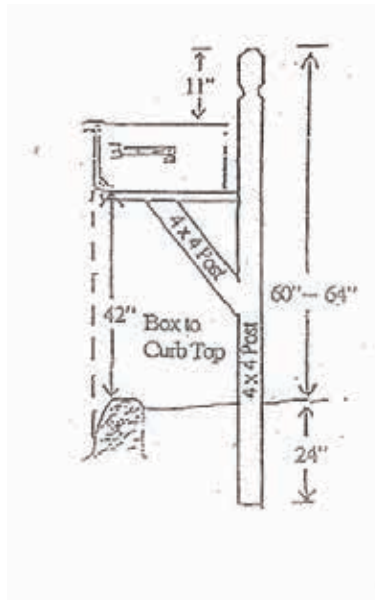
Front View



Side View



**House numbers must be on the front or side of the mailbox.**

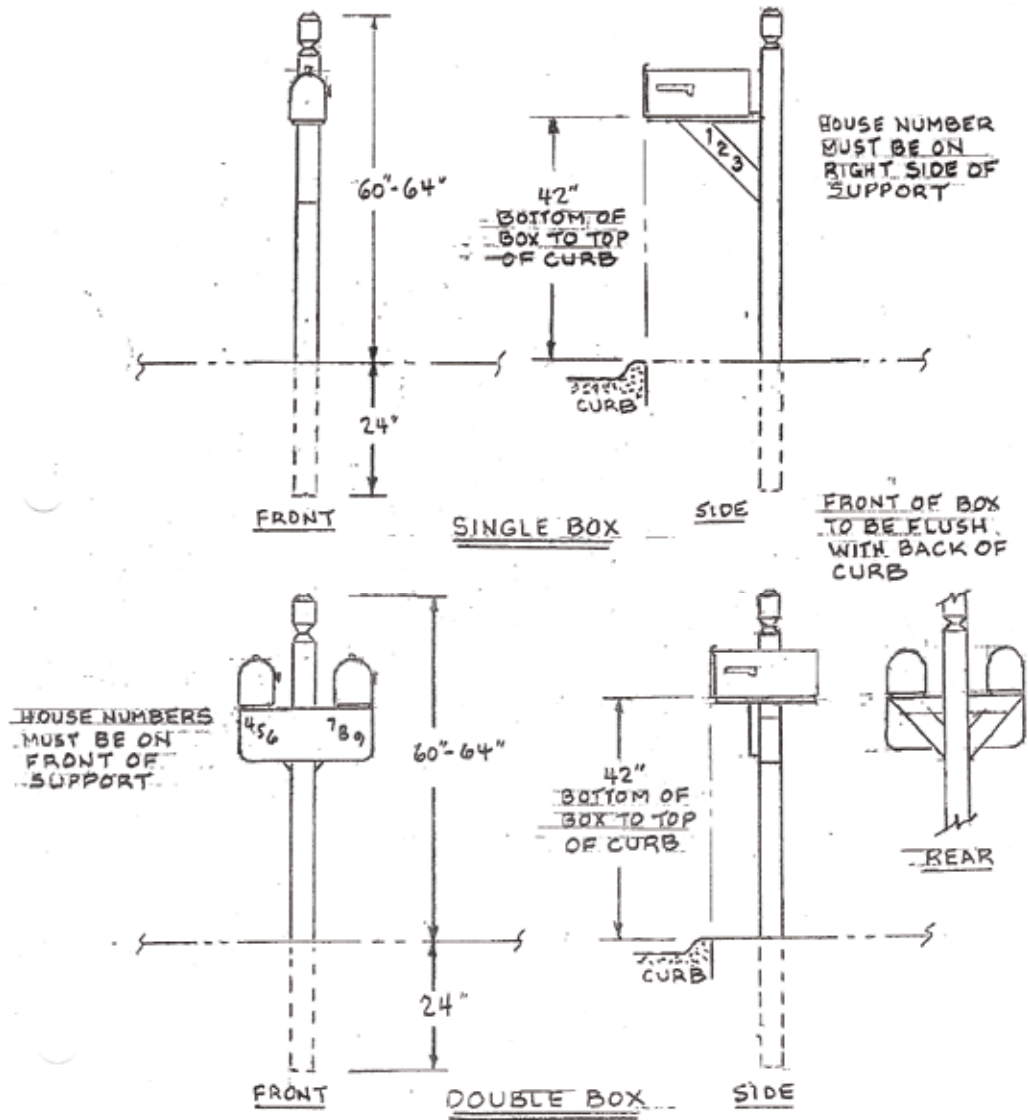


**Front of the box is flush with back of curbing.**

**\*\*\*\*The mailbox post will remain natural wood, free of stain or paint; however, a clear weatherproofing agent should be applied as needed.**

Exhibit 5c

Players Choice Mailbox Specifications  
(White Metal or Plastic)



**Exhibit 5d**

## **Southlake Mailbox**

**Black Plastic Rubbermaid Model #s MB515B and 52668  
(formerly Model # 7272)**



**\*\*\*POST MUST BE WHITE\*\*\***



**Exhibit 6**

## **Storm Door Specifications**

**Sample**

Full View Storm Door  
Clear, Uninterrupted Glass  
Top to Bottom



**Sample**

Full View Ventilating Storm Door  
Clear, Uninterrupted Glass  
Top to Bottom



**\*\*Please Note:** Storm doors must be full view and clear. Etching will be allowed only around the edge of the glass no more than three and a half (3.5) inches from the door frame. (See additional guidelines on pg. 49.)

## Exhibit 7

### Flowerbed Edging and Borders

When installing edging or borders around your flowerbeds, you must first submit an Application for exterior alteration, as it is a modification of the exterior of the home. Please consult the Landscaping section of these Standards on pg. 41 for further information. Please note that the following pictures are only examples. If you have something that varies, please contact the Association's office for further information.

**Do:** Submit an Application for exterior alteration when installing any type of flowerbed edging/border. No edging or border shall exceed eight (8) inches tall.

#### **Acceptable types of edging/borders:**

Cement/Pavers



Rocks



Wood



**Don't:** Please do not install any segmented types of borders.

#### **Please DO NOT install these types of borders:**



*\*\*\*NOTE: If you have had one of these borders for many years, you must put in an Application for exterior alteration if you wish for it to remain. Please make sure to specify how long it has been in place. Each Application will be evaluated on a case by case basis.*

**Exception:** The only plastic border permitted is displayed in the picture to follow. Please note that only the very top “bulb” is permitted to show. These plastic borders are permitted because they are not decorative edging, they are borders to retain soil/mulch. If we notice that this type of border has been installed higher than the “bulb”, we will ask that you place it further down into the ground.

**Only Top Bulb Visible →**  
**Recess Bottom into Ground →**



**Exhibit 8**  
**List of Villages with Separate Associations (“Separate Associations”)**

**(Membership in these Separate Associations  
is in addition to membership in the Association)**

<b>Neighborhood</b>	<b>*Management Company as of September 23, 2013</b>	<b>Telephone Number of Management Company</b>
Cascades	Community Group	757-873-1800
Eagle Sound	Harrison & Lear	757-825-9100
Fairways	Harrison & Lear	757-825-9100
Gleneagles	Harrison & Lear	757-825-9100
Images	Chesapeake Bay Management	757-534-7751
Ivystone	Chesapeake Bay Management	757-534-7751
Masters	Harrison & Lear	757-825-9100
Pinehurst	Chesapeake Bay Management	757-534-7751
Players Choice	Harrison & Lear	757-825-9100
Sanctuary	United Property	757-873-1185
Shoreline	Community Group	757-873-1800
Westgate	Advanced Assoc. Mgmt.	757-873-0111
Willow Point I Willow Point II	Harrison & Lear	757-825-9100
Windbrook	Advanced Assoc. Mgmt.	757-873-0111

\*Management companies subject to change

**Exhibit 9**

**VILLAGES OF KILN CREEK OWNERS ASSOCIATION**  
**970 BRICK KILN BLVD.**  
**NEWPORT NEWS, VIRGINIA 23602**  
**PHONE (757) 877-9835 FAX (757) 877-9862**

**Part A**

**APPLICATION FOR EXTERIOR ALTERATION**

**NEIGHBORHOOD:** \_\_\_\_\_ **LOT NUMBER:** \_\_\_\_\_

**NAME:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**DESCRIPTION OF ALTERATION:** \_\_\_\_\_

☐ YES ☐ NO **IS THIS AN APPLICATION FOR A MODIFICATION RELATING TO A DISABILITY?**  
**IF SO, PLEASE COMPLETE PART B OF THIS APPLICATION FORM.**

**PLEASE COMPLETE A SEPARATE APPLICATION FOR EACH IMPROVEMENT.**

**THE FOLLOWING SUPPLEMENTAL MATERIALS ARE REQUIRED AND APPLICATIONS ARE NOT  
DEEMED COMPLETE UNTIL ALL REQUIRED SUPPLEMENTAL MATERIALS HAVE BEEN  
RECEIVED:**

**FOR ATTACHED / DETACHED ADDITIONS / DECKS / FENCES / MAJOR RENOVATIONS**

- ☐ WRITTEN PLANS and SPECIFICATIONS
- ☐ PLAT OR SURVEY showing exact location and dimensions(s) of addition and any easements of records
- ☐ SITE PLAN with drawing of exact location, configuration, and size of alteration(s)
- ☐ ARCHITECTURAL PLANS/ILLUSTRATIONS OF IMPROVEMENTS  
(Exterior elevations, construction materials and exterior colors)
- ☐ SEDIMENT/EROSION CONTROL PLAN and/or TREE PROTECTION PLAN (if applicable)
- ☐ PHOTOGRAPH(S) and/or DRAWING(S)

**FOR COLOR/MATERIAL CHANGE**

- ☐ PHOTOGRAPH(S)
- ☐ BROCHURE OR SAMPLES OF THE PROPOSED COLOR / MATERIAL
- ☐ ANY ADDITIONAL INFORMATION (Please specify)

**FOR TREE REMOVAL**

- ☐ PHOTOGRAPH(S)
- ☐ SITE PLAN showing location of tree to be removed
- ☐ OTHER SUPPORTING INFORMATION (such as arborist statement, photographs, etc.)

**HOMEOWNERS:** By signing below you are indicating that you understand you must wait for receipt of your written approval of this application before beginning the foregoing alteration(s), and that approval of such alteration(s) by the Architectural Review Board does not release you from your obligations to ensure that such alteration(s) is (are) in compliance with the applicable Building and Zoning ordinances for the City/County AND YOUR NEIGHBORHOOD ARCHITECTURAL REVIEW BOARD in which the above referenced Lot is located and all other applicable laws. Further, Owners have no expectation of privacy with regard to Applications, Plans and/or other supporting material, as ARB meetings are open to all Members.

Neighborhood \_\_\_\_\_

Lot # \_\_\_\_\_

**ARCHITECTURAL REVIEW BOARD**

**DATE OF REVIEW BY ARB [“EFFECTIVE DATE”]:**

\_\_\_\_\_

- ☐ **APPROVED\***
- ☐ **APPROVED WITH COMMENTS/CONDITIONS**
- ☐ **DISAPPROVED**
- ☐ **DECISION WITHHELD**
- ☐ **OTHER**

\_\_\_\_\_

**\* NOTE – APPROVAL IS GOOD FOR 12 MONTHS FROM THE EFFECTIVE DATE ABOVE.**

**COMMENTS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REVIEWED BY:** \_\_\_\_\_



Dear \_\_\_\_\_:

To assist us in processing requests for accommodations in a timely and appropriate manner, we are providing you with the enclosed form which you can use to make a request to the Villages of Kiln Creek Owners Association (the “Association”) for Reasonable Accommodation or Modification for your disability.\* Below are instructions for completing the form:

- Question #1 – Fill in the name and phone number of the member of the household who has the disability and describe the disability.
- Question #2 - For a **physical change to the Association’s property** put an “x” in the first section then describe the change that you need. For a physical change to your property, put an “x” in the second part of the question #2 and describe the modification that you need.

For a **change in the rules, policies, practices, procedures or services**, put an “x” in the third part of question #2 and describe the change that you need.

- Question #3 – If the reason for such request is not obvious based on the description of the disability, describe how the change that you are requesting will change or assist in some aspect of your disability.
- Question #4 - Enter the number of days by which you need a response.
- Question #5 – Put an “x” beside the applicable section indicating whether the disability is visible or not visible. If the disability of the resident is not visible, please enter a health professional who can confirm that you (or other member of your household) are disabled and that the change that you are requesting would assist you (him/her) with that disability.
- Be sure to sign the form prior to sending it.

If you have any questions, please contact the Association’s Director of Operations at the number above.

Sincerely,

---

\* Should you need assistance in completing the form, please do not hesitate to contact the Association’s Director of Operations who can assist you in doing so. This form is not the exclusive means by which you can request an accommodation/modification; instead, it is meant to be of assistance in facilitating your request and the Association’s review of same.



Request for Reasonable Accommodation / Modification

**To: Villages of Kiln Creek Owners Association Phone: (757) 877-9835 Facsimile: (757) 877 9862**

- 1 The following member of this household has a disability as defined below:

*A physical or mental impairment that substantially limits one or more of life's major activities, a record of such impairment, or being regarded as having such an impairment)*

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Describe Disability: \_\_\_\_\_

2. As a result of my/his/her disability the following change(s) are needed so that I/he/she can live as easily or successfully as other residents.

( ) A change/modification to the Association's Common Area/Neighborhood Common Area described as follows:  
\_\_\_\_\_

( ) A change/modification to my (his/her) property (or leased premises, as applicable) which change would normally not be permitted under the Association's current covenants, rules and/or architectural guidelines but for my/his/her disability, described as follows:  
\_\_\_\_\_

[Note: This request does not negate the requirement that the Lot Owner submit an Application for Exterior Alteration together with plans and other materials indicated on the Application, in connection with any proposed exterior alterations to the home or the Lot, in addition to this request.]

( ) A change in the following rule, policy, practice, procedure or service:  
\_\_\_\_\_

3. If the reason for such request is not obvious based on the stated description of the disability above, please answer the following: This accommodation/modification is so that:  
\_\_\_\_\_

4. I request a written response to this request within \_\_\_\_\_ days of the receipt of this request.

5. Check one of the following:

( ) My disability is visible.  
( ) My disability is not visible and you may verify the disability and the need for this request by contacting:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

I give you permission to contact the above individual for the purpose of verifying that I or a member of my household has a disability and needs the reasonable accommodation requested above. I understand that the information you obtain will be kept confidential and used solely to determine if you will provide the accommodation.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_