



**THE HIGHLANDS
COMMUNITY
ASSOCIATION**

**ARCHITECTURAL
REGULATIONS**

August 2018

THE HIGHLANDS COMMUNITY ASSOCIATION Architectural Guidelines

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1. Introduction

The purpose of this document is to provide standardized regulations to assist property owners within The Highlands as they maintain or improve their homes and lots. All exterior property modifications in the community require approval by The Highlands Community Association's (HCA's) Architectural Review Committee (ARC). Both the HCA and ARC operate under Virginia Law 55-510 relating to homeowners associations and open meeting status. The ARC is the means by which the HCA processes homeowners' request for external changes to the home/property. This document replaces the HCA's Architecture Guidelines of September 2012.

All Highlands homeowners receive a copy of The Highlands Covenants and Restrictions as part of the purchase/closing process. Homeowners legally agree to be bound by these covenants and restrictions and are encouraged to read them as a legally binding document. These covenants govern the external changes of the homes and property, as well as the required process for obtaining approval for the changes. Prior to the closing process on the sale of a new home, the exterior appearance of the home is a matter of negotiation between the buyer, builder and developer. Once the closing is complete, jurisdiction for any external change of the property passes to the HCA. These covenants and restrictions are recorded in the clerk's office of the Circuit Court of Chesterfield County in the following two documents:

“Covenants & Restrictions Affecting all Property known as The Highlands”
Dated April 13, 1992 Deed Book 2221 Pages 1952 thru 1972

“Declaration of Covenants & Restrictions of The Highlands Community Association”
Dated April 13, 1992 Deed Book 2221 Pages 1973 thru 2000

The ARC has the responsibility for assuring that any external changes made by the homeowners are to keep the initial image and property values. These regulations have been reviewed and updated to recognize categories that were vague or missing from the earlier editions and to reflect changes regulated by Virginia Law. The ARC (empowered by the HCA) has the right to make reasonable judgments as to their implementation. These guidelines present some thoughts to requirements and process for obtaining the required approval prior to the intended change. Each application is evaluated on its own particular merits and situation. Exceptions can be granted by the ARC and HCA Board of Directors if the overall image and property values of The Highlands are not diminished or compromised.

Applications that are rejected (not approved) can be revisited through an appeal process. An additional request to visit with the ARC is required, and the homeowner can provide data that could change the original decision of ARC. If the decision is not changed, a final appeal with the HCA Board of Directors can be made. Decisions made by the HCA Board of Directors will be considered final.

Homeowners must not make home changes prior to any approval by the ARC. If any change is made without the approval, the matter is assigned to the HCA Board of Directors for action. The Property Manager, acting on behalf of the Board of Directors, has a legal right to level a financial penalty or a demand for complete removal and cost of the change.

New Homes

Changes to new homes prior to occupancy are the responsibility of the builder and buyer. If changes are not made before the move in date, the changes must be submitted to the ARC and are subject to the standard reviewing practice for approval or denial.

Existing Homes Sales

A potential buyer may want to know if changes can be made on a property prior to a commitment to buy from the seller. The ARC can review any data that is forwarded or presented at a scheduled meeting, but there can be no commitment of approval by the ARC for any commitment with the two parties.

A potential buyer may also want an absolute assurance of changes made on a Highlands property by the ARC prior to a buying commitment. The potential buyer and the existing homeowner must make a joint application for approval. The application and complete data must be submitted for the standard approval process/action of the committee during its next scheduled meeting. The process can take up to 30 days for approval/denial of the application. The ARC will not render any formal commitment of acceptance between parties. In all cases, the Property Manager will send out a formal letter as to any decision.

The ARC is staffed with volunteer members who are homeowners in The Highlands, and they value all residents input and questions with hope that the following guidelines provide additional clarity to the ARC review process. Please do not hesitate to contact any of the ARC members (listed on The Highlands' website) if you have questions or concerns. Please be assured of our continued efforts to maintain The Highlands as a prestigious community that was envisioned by all residents when they purchased their home.

2. Application Process

The application for "review of proposed property improvements" is required to be submitted for all proposed external changes to the home/property. A copy is attached as Appendix B of this document. The application data requirements are detailed in Appendix A and summarized on the application form. Applications are also available at The Highlands Sales Center or can be downloaded from The Highlands' website (www.highlandsca.com). When the signed and completed application (with supporting documentation) is submitted to the ARC lock box located in front of The Highlands Sales Center, the ARC is permitted 60 days to respond with its decision in writing. Any data and application that is e-mailed to the ARC is under the same time frame. Virginia Law (Section 55-510) and the Virginia Freedom of Information Act (2010-2011) regulate homeowner associations and set all meetings as "open to the public" with specific notations to executive closed sessions.

The ARC strives to complete their evaluation and decision within 30 days from receipt of an application. Careful attention to clarity and completeness is important, as lack of information can delay the process. If your application is not approved or denied within 60 days from the receipt of the completed application, the request will be considered approved and construction can start. Proof of delivery of the application is the responsibility of the homeowner. Only applications from a homeowner can be considered – an intended buyer for any property cannot

be considered for any change unless the present owner co-signs the application. A decision for changes must take the course of the process and cannot be by-passed for a quick property sale.

The ARC will attempt to contact property owners prior to sending two inspectors to the home site for a visual review of the proposed changes in case the property owner desires to be present during the visit. Please note that by signing the application you give permission for ARC members to enter your property (yard) as necessary for review of the proposed modifications and to make a final inspection (six (6) months after changes are completed). Please note on the application any special conditions of which the ARC should be aware, such as “beware of dog.” Any special notations could delay inspector visitations of the property.

ARC meetings take place on the first Wednesday and third Thursday of each month. Changes to the meeting schedule will be published on the community website. Following inspection of a property, the inspectors’ reports will be presented at the next ARC meeting. If all data is pertinent and complete, a vote will be made on the acceptance or denial of the project. The Property Manager will then send out a letter with the decision to the homeowner.

The ARC is staffed by a maximum of seven (7) volunteer homeowner members who live in the community. Following property inspection, members will vote for the approval or denial of an applicant’s request. The committee will vote with a decision as follows:

Approval – Applicant can start improvement upon receipt of the approval letter from the Property Manager.

Approval with conditions – Following receipt of the approval letter from the Property Manager, applicant can start with improvement if noted conditions are met.

Denial – Request not approved. Specific reasons for denying an application will be detailed in the letter from the Property Manager to the homeowner.

Cancelled – Project request is withdrawn by the homeowner.

NOTES:

- Applicants must start and complete the modification within six (6) months of the date on the Property Manager’s letter of approval. Failure to complete the modifications within six (6) months will automatically revoke the approval of that application unless extended in writing by the ARC. If an owner does not complete the project, the property must be returned to its original condition. The cost of removal or correcting the project will be assumed by the owner.
- If the project is cancelled by the homeowner during the six (6) months’ time, the application will be voided. The homeowner may want to consider the project again, but a new application must be submitted.
- By signing the application, the homeowner agrees to make the modification as noted in the application and maintain the modification in manner satisfactory to the HCA.

- When a homeowner makes unapproved modifications to the property without an approval from ARC or HCA, the cost of removal or correcting the project will be assumed by the owner.
- The plot plan required with applications is the “land surveyor plot plan” and is one that the homeowner should have received at the closing of their home purchase. Copies are also available from Chesterfield County.
- It is the homeowner’s responsibility to notify the ARC when the project is completed.
- Questions concerning this process may be directed to any ARC member or the Property Manager.

Homeowners may submit a complaint to the Property Manager regarding property modifications or conditions that may not have been done in compliance with the covenants or guidelines. These are handled by the Property Manager and the HCA Board of Directors. This concern is called a PVI (Potential Violation Investigation). The HCA Board of Directors may request that the ARC investigate the complaint and report back to the Board in writing. The ARC is not responsible for initial compliance issues.

3. Non-Compliance

Upon learning of a potential violation of the architecture guidelines, the Board of Directors may call a homeowner to appear for a hearing. Failure of a homeowner to attend a hearing does not prevent the Board of Directors from taking further action. Following a violation hearing or continuous violation of the ARC Guidelines, the Board of Directors will review all facts and information presented and make a determination of what, if any, action will be taken. Any course of action determined by the Board must be within the scope of authority and power available to them through Commonwealth law and the Association’s governing documents. Some options available to the Board are:

- a. Impose a penalty assessment of up to \$50.00 for a single violation or \$10.00 per day for any violation of a continuing nature. A penalty assessment for an offense of a continuing nature may be assessed daily from the date of the first notice of the violation until the violation is cured but may not exceed 90 days in duration. The type of penalty to be assessed will be on a case by case basis and indicated in writing to the Member with the second notice of violation.
- b. Have the right to waive the penalty assessment if the violation is cured prior to, or within a reasonable period of time following, the hearing.
- c. Pursue enforcement through the Commonwealth judicial process. It is important to note here that the Board must be consistent with the imposition of enforcement actions. Also, the type and date of the Notice of Hearing, and by whom given, will be recorded in the minutes of the Board of Directors.

Any penalty assessment will be added to the Member’s assessment account and be collectible in the same manner as any other assessment. Any penalty assessment shall be paid within 60 days of receiving notice of final penalty assessment balance. If the penalty assessment is not paid within the 60 day timeframe, the Member’s rights and community amenity privileges may be restricted.

Appendix A. Guidelines

The table below provides a summary of the additional documentation required to accompany ARC applications. Additional detail is provided in the following sections.

Section Number	Title	See Also	Required Information					
			Application	Building Permit	Detailed Drawing	Detailed Plan	Phot Plan	Sample
A1	Accessory Buildings (Sheds)		X	X	X		X	
A2	Awnings, Enclosures, Shed Roofs, Sun Rooms, Florida Rooms, and Screened Porches		X	X	X		X	
A3	Air Conditioning and Heating Equipment		X					
A4	Awnings and Canopies		X		X	X	X	
A5	Buses, Trailers, Campers, RVs, Oversized Vehicles, Utility Trailers, etc.							
A6	Car Ports and Enclosures		X	X	X		X	
A7	Docks, Deck Extensions, and Docks	A2	X	X	X		X	
A8	Dug Pits and Dog Houses	A11	X		X	X		
A9	Doors, Shutters, Soffits, and Trim		X		X	X		X
A10	Driveways	A30	X	X	X		X	
A11	Fences		X	X	X		X	X
A12	Flags							
A13	Fountains		X	X	X		X	
A14	Garages	A10	X	X	X		X	
A15	Garages		X	X	X		X	
A16	Irrigation Systems							
A17	Landscaping, Maintenance, Renovations, and Gardens	A21						
A18	Walkways	Apps C						
A19	Patios and Walkways		X	X	X	X	X	X
A20	Pier Equipment	A1	X	X	X		X	
A21	Piering Maintenance							
A22	Resource Protection Area (RPA)							
A23	Seawall Dikes		X	X	X		X	
A24	Sigs							
A25	Solar Panels, Emergency Power Generators, and Windmills	A3	X	X	X		X	
A26	Swimming Pools		X	X	X	X	X	
A27	Trash Cans							
A28	Tree Removal		X				X	
A29	Utilities and Ponds							
A30	Walk, Running Walks & Driveway Walk/Piers		X		X			
A31	Water Ponds, Waterways, and Waterfeatures		X	X	X	X	X	
A32	Woolfries		X					

A1. Accessory Buildings (Sheds)

Consistent with Chesterfield County building codes an accessory building (shed) is defined as a detached structure of no more than 400 square feet. Structures exceeding this limit shall be considered garages and subject to the requirements of Section A14 of this document. Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval. The requirements of this section exist for all accessory type buildings (sheds) including but not limited to site built, pre-built, and/or pre-fabricated structures. A copy of the building permit can be forwarded after the approval of the project but should be available prior to the final inspection.

A1.1 All free standing accessory buildings shall be constructed as a permanent structure. The Accessory building must match the design characteristics of the house and not detract from the aesthetic design of the home. **(This is a change.)**

A1.2 The roof must match the style, type and material of the main house with a slope of 8/12 or greater. **(This is a change.)**

A1.3 All exterior finish material (siding, soffits, etc.) shall match the type and color of the house. All foundations must match the type and material of the house.

A1.4 Accessory buildings and sheds must be placed on a concrete foundation, either monolithic slab or footer/foundation wall as shown in Appendix D. The foundation wall may be constructed of poured concrete or cinderblock, but must have brick, stucco, or stone façade. Bricks, stucco or stones must be the same color and type as the house. With brick façade, minimum of 3 courses of brick must be above ground level; with stucco/stone façade, minimum of 8 inches must be above ground level. Foundations must match the house. Skids or direct ground placement are prohibited. **(This is a change.)**

A1.5 Windows and doors in accessory buildings shall be similar in style to those in the house. The large shed/accessory building doors shall not directly face the street or cul de sac. Standard size doors should be six or eight panels and painted to match the color of the front or back door of the house. Upgrades will be considered.

A1.6 The size and location of accessory buildings will be judged for visibility from the street, golf course, lake and the potential for impact on adjacent properties.

A2. Additions, Enclosures, Shed Roofs, Sunrooms, Florida Rooms, and Screened Porches

Detailed drawings (side elevations and foundation data), land surveyor plot plan, and building permits must be accompany the application to be approved by the ARC. A copy of the building permit can be forwarded after the approval of the project but should be available prior to the final inspection.

A2.1 To assure consistency with the design of the house and to minimize visual disruption to the neighborhood, additions must complement the design characteristics of the house.

A2.2 The mass of the addition shall be similar to that of the house, but proportionately smaller so as not to overpower the house. Roof style materials (no metal roofs) and slopes shall match the style of the main roof of the house. Roof styles, shapes, color and pitch shall be similar to the main roof of the house. The required pitch is 10/12; however, ARC can allow reasonable exceptions.

A2.3 All home additions, including totally enclosed porches, enclosed decks, enclosed rooms, extended garages, are subject to ARC requirements. All must be considered part of the home and be placed on concrete foundation with concrete blocks/brick, stucco or stone/façade that matches the color and type of the house.

A2.4 Shed Roofs. This roofline is normally attached to the house, and the open end is supported by columns. If additions to a home present a problem due to the design configuration (existing windows, etc.), the 10/12 roof pitch can be compromised to a smaller number. The ARC may suggest methods to achieve an acceptable pitch. Roof shingles shall match the color and type of the house.

A2.5 A country porch must be on brick piers with painted risers and framed lattice between the piers. Siding (if used), outside doors, and windows must match existing home.

A2.6 Screened porches (not year round usage) are subject to approval of the ARC with major focus on a design compatibility of the house, neighborhood and visibility from the street. They can be installed on 4 x 4 or 6 x 6 post supports or brick columns, or be constructed on an existing deck structure. Porches facing the golf course must have framed lattice. Exceptions are homes with back door walk in entrance.

A2.7 Screened porches facing the golf course, lake or major streets must be on brick piers and framed with lattice between the piers (developers specs). Exception is house that has rear basement door/windows.

A3. Air Conditioning & Heating Equipment

ARC does not have jurisdiction over all categories. The following restrictions were initiated by the developer and builders. Exception is A3.2.

A3.1 Air and heating units are generally installed as part of the initial house construction and as such are not subject to the ARC permitting process. The outdoor units must be completely screened from view of the street and adjacent homes with framed lattice or evergreen shrubbery (large enough to cover the AC units). Deciduous shrubbery (plants that lose their foliage) cannot be used for a screen.

A3.2 In the event of a planned relocation of these units, ARC approval will be required.

A3.3 Window and through wall air conditioning units are prohibited.

A3.4 All fireplaces and prefab fireplaces located on a rear deck must be on a brick foundation. Deck cantilever designs (supporting posts without proper base backup) are not permitted.

A4. Awnings/Canopies

Drawings and detailed plans must be approved by the ARC. The detailed drawings and land surveyor plot plan must accompany the application.

A4.1 Awnings or door canopies are not permitted on the front of the house or areas that are visible from the street.

A4.2 Rear of house awnings are subject to the ARC permitting process with major focus on compatibility of size and color(s) with the existing house.

A5. Boats, Boat Trailers, Campers, RVs, Oversized Vehicles, Utility Trailers, etc.

A5.1 These may not be permanently stored on the homeowner's property unless they are kept within an enclosed area or in such a manner that they are not generally visible from the road or adjacent properties. Boats and other recreational vehicles may be placed in driveways for short intervals of up to 48 hours.

A5.2 Permanent storage with no street visibility will be subject to the HCA permitting process. Major consideration will be given to visibility from adjacent properties.

A5.3 Portable storage containers must not be visible from the street and cannot be used for a period of more than two (2) months.

A5.4 As noted in the covenants, "A small boat, boat trailer, or boat on a boat trailer may be placed in the rear yard of a residential lot without being enclosed by a screened area if such boat, boat trailer, or boat on a boat trailer does not exceed an overall height of four feet (4') above ground level and is not visible from the street." In general, most residents have been able to find suitable offsite storage facilities for larger vehicles and boats.

A6. Car Ports and Breezeways

The detailed drawings, land surveyor plot plan, and building permits must accompany the application and be approved by ARC.

A7. Deck, Deck Extensions, and Docks

The detailed drawings, land surveyor plot plan, and a building permit must accompany the application to be approved by the ARC. A copy of the building permit must be forwarded after the approval of the project and be available prior to the final inspection.

A7.1 All new decks, extensions, and modifications are subject to approval of the ARC with major focus on compatibility with the existing deck, house, and visibility from the street,

golf course or lake. Decks must be installed with 4 x 4 or 6 x 6 post supports or brick columns on a concrete pad/foundation.

A7.2 Decks may remain unfinished, however staining and painting is acceptable.

A7.3 Decks facing the golf course, lake or major streets must be on brick piers and framed with lattice between the piers (developers specs). Exception is house that has rear basement door/windows.

A7.4 Decks that are to be totally enclosed must meet the requirements of Additions, Section A2.

A7.5 Docks. All lake front homes must submit a full set of drawings, plans, land surveyor plot plans and any specifications for dock installation on the lake prior to construction. Additional approval will be necessary for alterations of landscaping and trees/shrubbery within 50 -100 feet from the water edge as required by national and local wetland agencies, including the Office of Water Quality (OWQ), Corps of Engineers (COE), and Department of Environmental Quality (DEQ). Docks can be no larger than 192 square feet, may not extend more than 15 feet from shoreline, and cannot have rails taller than 42.”

A8. Dog Pens & Doghouses

HCA has jurisdiction over this category except for yard fences. Drawings and detailed plans must be approved by the ARC. Details on the fence location, color and type, must accompany the application.

A.8.1 Fences constructed specifically as dog pens or dog runs must be approved as to location and must conform to the fence design requirements of Section A11 of this document. The ARC may require screening of the pen with shrubbery.

A.8.2 Only one dog pen will be permitted per lot.

A.8.3 Dog pens and doghouses must be located behind the house and must not be visible from the street.

A.8.4 Doghouses shall be finished on the exterior and maintained in acceptable repair and appearance. Application to and approval by the ARC is required prior to construction or installation.

A9. Doors, Shutters, Soffits and Trim

Drawings and detailed plans must be approved by the ARC. The detailed color and type must accompany the application.

A9.1 All exterior home color changes are subject to the ARC permitting requirements prior to painting or vinyl replacement.

A9.2 All exterior trim, shutter color, or changes are subject to the ARC approval.

A9.3 Vinyl siding replacement or installation must be an approved design. Sample of color, design and style must be submitted with an application for ARC approval. **(This is a change.)**

A9.4 A hardboard composite (cement) siding can be used. Color, design, and style must be ARC approved.

A9.5 All roof color and/or material changes are subject to ARC approval. ARC approval is not required to replace a home's roof with the same color and material.

A10. Driveways

Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval. A building permit, if applicable, must be forwarded after the approval in time for the six (6) month final inspection.

A10.1 Paving, aggregate, or other driveway finishes are subject to ARC approval if a change is made to the original material or location of the driveway. Asphalt, concrete and brown crush n' run stone are permitted. No white or gray stone/gravel is allowed.

A10.2 Homes located in the BURRAY section must have either asphalt or a concrete driveway. This is a requirement of the developer and builders group that is not waivable by the homeowners association.

A10.3 Driveways or driveway extensions leading to detached garages must be finished with the same driveway surface material as the existing driveway, unless specifically outlined in the approval letter.

A10.4 Circular driveway (limit of 1 per house) is subject to ARC approval.

A10.5 Driveway Walls/Piers. See Section A30.

A11. Fences

A11.1 Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A11.2 Informal landscape and formal/architectural fences are permitted. An informal landscape fence is generally unobtrusive in appearance, utilizing natural unfinished wood and designed to run long distances with the contours of the land. Split rail, turned rail and board rail fences are typical examples of this type of fence.

A11.3 The formal or architectural fence shall be considered a design extension of the house, limited in area, and located directly behind the house. Appropriate architectural fences

shall consist of a minimum of 15% open area including picket fences. Lattice style fence may be acceptable when encased in a frame. “Live” fences, or hedges are also acceptable.

A11.4 Fences can be made of wood, vinyl, aluminum or wrought iron. The use of any wire mesh on the inside of the fence must be approved by ARC.

A11.5 Chain link, barbed wire, wooden fences with metal poles, solid panel, and post & wire fences are prohibited and will not be approved. Electrification of any fence regardless of type is strictly prohibited.

A11.6 Fences shall not be higher than four feet (4') (excluding finials or caps).

A11.7 Fences are only permitted in rear yards only and cannot extend further forward than the rear plane of the house. Fences in the front yards are not permitted.

A11.8 All fences must have the horizontal member inside the perimeter of the yard. Fences must have the finished side facing outward from the enclosed area.

A11.9 Wood fences can be natural, painted or stained. Black or white finishes are acceptable on metal fences.

A11.10 All fencing must be maintained and acceptable in repair or appearance as judged by the HCA and Property Manager.

A12. Flags

Effective July 1, 2010, new Federal Law and Virginia Law were implemented. The Freedom to Display the American Flag Act states that everyone has the right to display an American flag (regardless of any Homeowners Association guidelines). This law does not negate the rights of the Homeowners Association to place “reasonable restrictions” on the time, place, manner, size and placement of the flag. Flags that are displayed are to be within the provisions of the Federal Flag Act or any rule or custom that pertains to the proper flag display.

A12.1 Homeowners may display a decorative flag (normally 12” X 16”) on the mailbox.

A12.2 Decorative flags displayed on a small pole (not to exceed five feet (5')) and affixed to the house or outbuilding are not subject to ARC permitting requirements.

A12.3 If a homeowner wishes to install a free-standing flagpole on the property, the size, type, shape, and location of the proposed pole are subject to ARC permitting requirements for approval prior to installation. Flagpoles may not exceed twenty feet (20') in height.

A12.4 The only sovereign flags permitted to be flown are those of the United States, Commonwealth of Virginia, and Chesterfield County.

A13. Fountains

Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval.

A13.1 Exterior water fountains are permitted in front yards but must be approved by ARC. Water ponds, ecosystems, waterscapes & water features are not permitted in the front yard.

A13.2 The fountain should be set back enough from the road where the visual effect is minimized to the neighborhood. Proper plant/shrub screening may be required.

A13.3 Size/design of the fountain should complement and not jeopardize the aesthetics of the home. The ARC will determine aesthetics as part of the approval sequence.

A13.4 Fountains are to be maintained in a 'clear' water condition.

A14. Garages

Consistent with Chesterfield County building codes a garage is defined as a detached structure of greater than 400 square feet. The detailed drawings, land surveyor plot plan, and building permits must be accompany the application to be approved by the ARC. A copy of the building permit can be forwarded after the approval of the project but should be available prior to the final inspection.

A14.1 All garages must be placed on a concrete on a concrete foundation, either monolithic slab or footer/foundation wall as shown in Appendix D. The foundation wall may be constructed of poured concrete or cinderblock, but must have brick, stucco, or stone façade. Bricks, stucco or stones must be the same color and type as the house. With brick façade, minimum of 3 courses of brick must be above ground level; with stucco/stone façade, minimum of 8 inches must be above ground level. Foundations must match the house. **(This is a change.)**

A14.2 Driveways going to the detached garage must match the type and finish of the existing home driveway. (See Section A10.3).

A14.3 the roof pitch shall be no less than that of the main roof portion of the house. The shingles must match the color and type of the house.

A14.4 Vinyl siding (if applicable) must match the color and type of the house. No double Dutch lap is allowed.

A14.5 Windows and doors must match the house in type and color.

A14.6 The large garage door(s) must not face the main street, golf course or lake. Plants or shrubbery may be required to satisfy visibility factors.

A14.7 Front entry garages are not permitted.

A15. Gazebos

Detailed drawings, land surveyor plot plan, building permits must accompany the application. Size/design must complement the aesthetics of the home and are subject to ARC approval.

Gazebos cannot be located in the front of a home; they may be placed in side yards or backyard locations only.

A16. Irrigation Systems

A.16.1 In-ground irrigation systems do not require ARC approval.

A16.2 The systems must meet County/State guidelines with a back flow valve connection.

Note: Homeowners should note in their design/layout considerations that any damaged caused by snow removal or road repair by VDOT on the VDOT right-of-way will not be repaired by VDOT.

A17. Landscaping, Maintenance, Renovations and Gardens

A17.1 Any significant changes in a landscape plan by the homeowner/vendor requires ARC approval. Changes include, but are not limited to, the incorporation of previously wooded or grassed areas into a landscape plan. Changes in foundation plants do not require prior approval. Waterfront lot owners are reminded that the resource protection area (RPA) surrounds the lake and owners are responsible for the buffer and its maintenance. The Chesapeake Bay Protection Ordinance specifies how the buffer is to be maintained. See Section A21 of this document for more details.

A17.2 Any significant earthwork changes in topography, site drainage, or creation of ponds, pools, or other water features must be approved by ARC.

A17.3 Yards shall contain grass turf or planting beds. Yards may not consist of barren dirt or bare patches of dirt with sparse turf cover.

A17.4 Turf may never exceed five inches (5") in height.

A17.5 Homeowners are required to promote the growth of grass in their yard, which includes but is not limited to aeration, seeding, fertilization and weed control.

A17.6 Alternative plant material or planting beds are to be installed in areas of yards where homeowners have not been able to establish grass.

A17.7 Trees, shrubs and planting beds are to be maintained in accordance with industry standards. Hence, planting beds, shrubs and trees are to be pruned to prevent overgrowth and promote an aesthetically appealing look.

A17.8 Property owners are to maintain their entire property, including ditch lines and areas adjacent to the street. Although these areas may be in an easement area of the Virginia Department of Transportation, it is the responsibility of all property owners to maintain this area by affecting all of the above requirements in the ditch lines and areas adjacent to the street, including mowing and aeration and seeding.

A18. Mailboxes

A18.1 Mail boxes/posts must be maintained as originally installed. Color or design changes are not permitted. Periodic cleaning and painting are required to maintain acceptable appearance. See Appendix C of this document for installation/design.

A18.2 Decorative flags (12" X 16") can be mounted, if desired.

A18.3 Security alarm system signs are permitted for display (1 per mail box).

A19. Patios and Walkways

Detailed drawings, data, land surveyor plot plan, and building permits must accompany the Application for ARC approval. Patios shall be constructed so they complement and are compatible with the home. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A19.1 Patio must be in the rear of the house.

A19.2 Stamped/poured concrete, pavers, bricks are acceptable. Colors/style must complement the home.

A19.3 A land surveyor plot plan must be in the application with location of patio.

A19.4 Patio must not be placed that will interfere with the septic field.

A19.5 In some cases, planting shrubbery as a screen is needed to provide privacy to your neighbor.

A19.6 Walkways must be approved by ARC. Specific data/drawings must be with application.

A19.7 Walkways can be made of aggregate, concrete, pavers, bricks or cut stone.

A20. Play Equipment

Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A20.1 Play structures and equipment are often highly visible, and depending on their design and application, they may defeat many of the aesthetic and environmental goals that The Highlands has sought to achieve. No play equipment constructed of 100% metal is allowed. For

this reason, ARC requires approval of all exterior play equipment prior to placement on the lot. Play structures and equipment shall include, but are not limited to, the following:

- Swing sets
- Sliding boards
- Jungle gyms – climbing structures
- Skate board ramps, structures
- Forts
- Tree houses
- Play houses
- Basketball goals (Limit 2)
- Trampolines
- Batting cages

A20.2 Forts, tree houses, play houses, and other enclosed play buildings with an exterior height not exceeding six feet (6') and with a total floor area not exceeding 36 square feet shall be considered to be play equipment. Structures exceeding these limits shall be considered Accessory Buildings and subject to the requirements of Section A1 of this document.

A20.3 Play equipment shall be located in rear yards only.

A20.4 Play equipment should be finished in predominantly subtle colors and constructed of wood. Metal swing sets are not permitted.

A20.5 Play equipment should be located at least eight feet (8') away from side property lines adjacent to neighboring homes or streets. ARC consideration will be given to noise and visual impact on neighboring homes. In that regard, ARC may require certain play equipment to be screened from view.

A20.6 Play equipment that has fallen into disrepair or has been outgrown by children should be removed from the property.

A20.7 Basketball goals installed adjacent to driveways are subject to the following criteria:

- The goal may not directly face the street. Goals may be mounted on the side or rear face of garages or on a pole mounted on the side of the driveway facing the house and no further forward than the front corner of the house. The mounting pole must be black pre-finished metal or painted a neutral earth tone. The backboard must be gray, white or clear acrylic. Portable goals may be used in the driveway or street but must be stored in a garage or behind the home when not in use.
- Large sized basketball courts must be approved by ARC and can only be located in back of home. Detailed drawings and land surveyor plot plan must be submitted. Appropriate planting must be considered for visibility to neighbors and the street.

A20.8 The ARC must approve all applications for sports courts (tennis, horseshoe, bocce, etc.).

A21. Property Maintenance

A21.1 Property maintenance includes the upkeep of lots, buildings, and other improvements consistent with good property management, proper trash disposal, and animal control to maintain the overall image of The Highlands and not diminish the property values of all homeowners.

A21.2 Each property owner has the following responsibilities:

- General property and lawn care.
- Snow removal, as required.
- Painting and external care of structures and other improvements.

A21.3 Animal Control. Domestic pets only are permitted. No wild or “game” type animals are permitted. Compliance with Chesterfield County Animal Control laws including licensing, leash laws, and animal waste clean-up are to be strictly enforced by the County.

A21.4 Building Mold and Fungus. As properties age, mold and fungus can settle and accelerate wear, leading to increased maintenance costs and lower property values. Property owners should pay particular attention to roof and siding areas to avoid problem.

A21.5 Trash. Disposal of trash and other refuse is required on a weekly basis. No accumulation or storage of trash or bulk materials is permitted on any lot. Trash containers kept outside a house or garage must be screened to prevent view from the roadway.

A22. Resource Protection Area (RPA)

Note: Waterfront lot owners are reminded that an RPA surrounds the lake. The Chesapeake Bay Protection Ordinance specifies how this buffer is to be maintained. For more details contact the representative at 804-706-2061.

A22.1 The Highlands Lake is surrounded by a RPA. The buffer width varies from 50 feet landward on some lots to 100 feet on others. Ideally, the buffer should be left in its natural state to “provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Chesapeake Bay and its tributaries; and minimize the adverse effects of human activities on state waters and aquatic resources.” Check the Chesterfield County office website at <http://www.co.chesterfield.va.us/communitydevelopment/waterquality/>.

A22.2 The Chesapeake Bay Preservation Ordinance specifies how the buffer is to be maintained. The full text of the ordinance that was amended during an August 24, 2005 meeting of the Chesterfield County Board of Supervisors may be found on this website: <http://www.municode.com/resources/gateway.asp?pid=10531&sid=46>. Navigate to Chapter 19 Zoning> Article IV>Division 4.

A22.3 Certain modifications of the RPA are permitted but must be approved by the Chesterfield County Office of Water Quality. In case of prior encroachments, the office will suggest “...a restoration plan that includes the replacement of the vegetation that was removed

from the RPA buffer zone.” More information can be found on the Chesterfield County Office of Water Quality website.

A22.4 The ARC will not approve any project in the RPA zone unless underwritten by the authorities of that branch. An application to the ARC is required.

A23. Satellite Dishes

Federal and Virginia laws state that a homeowner cannot be denied this service. Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A23.1 Ground mounted units are subject to the ARC permitting requirements and should be screened from the street and adjacent homes with evergreen shrubbery.

A23.2 If roof mounting is required to establish acceptable reception, the dish must be screened by an eave or gable of the roof or located to reduce view from the street.

A24. Signs

A24.1 Political Signs. Residents may display one campaign sign in their front yard during the following campaigns: Presidential, congressional, gubernatorial, and Dale District. Signs may be a maximum of 2 feet by 2 feet and may not be lit. Signs may be displayed one month prior to the election and must be removed no later than one week after the election.

A24.2 Real Estate. No signs, other than one (1) standard temporary real estate sign and/or one (1) builder’s sign (new home builder’s sign), are permitted in any yard. The only signs permitted on Applecross, Eastfair and Highland Glen are small “lead-in” signs (real estate for sale directional signs).

A24.3 Signs posted by painting companies, remodel firms, and the like are not permitted at any time.

A25. Solar Panels, Emergency Power Generators, and Windmills

Detailed drawings, land surveyor plot plan, and building permits must accompany the application for ARC approval. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A25.1 All installations of solar panels are regulated by VA Code 67-701, enacted July 1, 2008. The ARC must approve any installation. Restrictions as to size, place and manner of placement of such solar collection devices will be considered.

A25.2 Windmills. No installations are permitted.

A25.3 Emergency power generators (permanent installation). ARC approval must be obtained. Installation of a permanent emergency generator must be performed by a qualified

electrician or vendor according to NE codes. Privacy screening (lattice, non-deciduous shrubbery) similar to that of Air Conditioning or Heating Equipment will be required. See Section A3.

A25.4 Portable units can be used for the duration of the emergency time period but must be removed and stored once the emergency has passed.

A26. Swimming Pools

Detailed drawings, data, land surveyor plot plan and building permit must be included with the signed application. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A26.1 No above ground swimming pools are permitted.

A26.2 In-ground swimming pools shall be located behind the house and minimally visible from the street.

A26.3 Lake front properties are under additional site requirements. ARC will specify.

A26.4 ARC may require screening of swimming pools to ensure the privacy of the pool owners and of neighbors.

A26.5 Design, location, fence height and style, and screening are all subject to ARC approval.

A26.6 Pool filtration equipment should be screened from neighbors view by a shed type enclosure, shrubbery/bush/tree plantings, or a framed lattice fence (similar to the HVAC shielding).

A27. Trash Cans

A27.1 Trash cans are to be situated in a location where they are screened from the front street.

A27.2 Trash cans are to be removed from the curb on the same day as trash pick-up.

A28. Tree Removal

An application must be submitted with a land surveyor plot plan showing location of trees. The trees must be marked with a colored ribbon or paint to aid the inspectors' site visit.

A28.1 The removal of any live tree or tree greater than six inches (6") in trunk diameter is subject to the ARC approval. Circumference measures for trunk diameter must be taken four feet (4') above ground level.

A28.2 Dead and/or storm damaged trees that impose an imminent threat of harm to the home or persons may be removed on an emergency basis without approval from ARC.

A28.3 In evaluating tree removal requests, ARC will place major focus on maintaining the rural wooded environment of The Highlands community.

A28.4 Removal of a large amount of trees, regardless of size, must be approved by the ARC.

A29. Vehicles and Parking

A29.1 No commercially licensed vehicles, disabled vehicles (other than those awaiting near-term repair), vehicles without a current license or inspection sticker, machinery or other equipment shall be kept on any lot unless kept within a garage.

A29.2 No repairs of any vehicles (other than minor repairs or maintenance to personally owned and licensed vehicles) shall be permitted on any lot, except in a garage.

A29.3 It shall be the responsibility of each owner to construct, with ARC approval, and maintain suitable and adequate parking space on his lot. All licensed vehicles shall be parked thereon. Parking on areas other than paved or driveway areas is prohibited.

A30. Walls, Retaining Walls & Driveway Walls/Piers

An application with detailed drawings and materials used must be forwarded to the ARC for approval. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A30.1 Retaining walls visible from the front street and designed as a house extension are to be constructed on a concrete foundation or crushed stone (in a trench) and match the existing materials of the house. Retaining walls that are within six feet (6') of the house (garden border type) are considered part of the house.

A30.2 Other retaining walls not visible from the street may be constructed with a concrete foundation, crushed stone (in a trench), or alternate materials (pavers, stone, etc.). An application with detailed drawings and materials used must be forwarded to the ARC for approval. Maximum retaining wall height must not exceed four feet (4').

A30.3 If a pier driveway wall is being constructed within 25 feet of the road center line, a call to VDOT is required to ensure the wall will not violate VDOT's access limits. Driveway entrance piers must be on concrete foundation and adhere to VDOT's guidelines. Call 804-674-2560 for information. The brick or stone piers must be the same color, type as the house foundation. No pier entrance gates (manual or electrically controls) are permitted.

A31. Water ponds, Waterscapes and Water Features

Water ponds, waterscapes or water features must be in-ground. Projects must have detailed data, drawings, land surveyor plot plan, and building permit submitted with the signed application for ARC approval. A copy of the building permit, if applicable, can be forwarded after the approval and in time for the six (6) month final inspection.

A31.1 The installation must be at the rear of the house with possible shrubbery plantings to maintain privacy and reduce view from the streets, golf course or lake.

A31.2 The water pond, waterscape or water feature must not be deeper than 30.” All physical sizes must be evaluated by the ARC.

A31.3 Installation of plumbing and electricity must be done by a certified licensed vendor.

A32. Woodpiles

A32.1 Firewood may be kept on any lot in neat woodpiles of up to one cord without prior approval of ARC. Storage of larger amounts of wood will require prior approval.

A32.2 All woodpiles are to be placed in the backyard in a location not visible from the street.

A32.3 Specific wood storage sheds can be installed to eliminate wood piles. ARC must approve design, location and privacy screening.

A33. Greenhouses

Detailed drawings, data, land surveyor plot plan showing project location, and any required building permits must accompany the Application for ARC approval. A copy of any building permit can be forwarded after the approval of the project but must be available prior to the final inspection.

A33.1 A greenhouse is any structure either attached or free standing with a height of more than 4'-0” whose walls and roof consist of greater than 50% transparent rigid window material and whose primary purpose is for the cultivation of plants. In no instance shall a framework covered with fabric or clear sheet material be approved

A33.2 The overall greenhouse design should be consistent with the general design characteristics of the house and should not detract from the aesthetics of the home.

A33.3 Greenhouses should be situated in a suitably inconspicuous location not forward of the house. Its size and location shall be judged for visibility from the street, golf course, lake, and its potential impact on adjacent properties. Screening with evergreen trees or shrubs may be required as necessary to satisfy visibility factors.

A33.4 A greenhouse shall be considered a permanent structure and shall be permanently anchored in the approved location to a concrete foundation. If the foundation exposure above ground exceeds 6” it shall include a cinder block/brick, stone, or stucco facade to match the house. (see Appendix D)

A33.5 The floor of the greenhouse may consist of concrete, aggregate, pavers, pressure treated lumber, brick, or stone and shall include a means for collection and removal of excess water.

A33.6 The structural framework of the greenhouse walls and roof shall consist of rust-resistant rigid materials which include but are not limited to aluminum, pressure treated wood, uv resistant rigid plastic, or composite materials.

A33.7 The glazing shall consist of tempered safety glass or rigid synthetic materials like polycarbonate or acrylic sheet that minimize the risk of personal injury if damaged.

A33.8 Pathways to a greenhouse must match the type of the existing home pathways.

A34. Solar Collection Devices

Detailed drawings, land surveyor plot plan, and county permits must accompany the application for ARC approval. A copy of any county permit(s) can be forwarded after the approval of the project but should be available prior to commencing construction. The requirements of this section exist for all types of solar collection devices independent of their specific application. Pursuant to state law Senate Bill 222 passed during the 2014 Virginia General Assembly, solar collection devices are allowed with the following conditions:

A34.1 Physical size/capacity: Solar collection devices shall be limited in size to not exceed current net metering code limitations. Generally devices of 12 kw or less are acceptable

A34.2 Placement: Any solar collection device shall not be located on the front elevation of the house unless there is no other option to yield sufficient exposure to radiant energy or the solar collection device is an integral part of the house roof intended to provide weatherproofing to the structure below.

A34.3 Design of the solar collection system must be in compliance with local building codes.

A34.4 All connecting hardware (wires, piping, etc.) shall be concealed as much as possible. Exposed hardware will be consistent with the home/trim color.

A34.5 Storage devices connected to the solar collection device(s) shall not be visible from the front elevation of the house and shall be visually screened from side streets and neighboring properties.

A34.6 Mounting: When affixed to a building wall or roof the solar collection device shall be flush mounted generally parallel to the mounting surface (difference not to exceed 10 degrees).

Appendix B. Application Form

Complete the following application for review of proposed property improvements. Applicant is responsible for obtaining appropriate data/drawings and delivery of all documents to the ARC.

This Application must be signed on Page B-2.

Date of Application: _____ Application received by ARC _____

Applicant's Name: _____

Applicant's Mailing Address: _____

Property location, (If different from mailing address):

Applicant's Contact Info (Home) _____

(Office) _____

(E-mail) _____

Description of request: One (1) application needed for each work project!

Attach the following information to this application and send or hand carry and deposit it into the designated ARC lock box located at the front of the Sales Office on 8400 Highland Glen Drive, Chesterfield, VA 23838. If you can scan data with the application, you can e-mail it to the Chairman or committee members of the ARC. Names and data are located in the website.

1. Land surveyor plot plan with proposed modification(s) to approximate scale with dimensions (Required with all applications).
2. Complete description (photos/drawings) as to construction design, materials (types and sizes), and color/finish. (Required with all applications).

3. Floor plan, elevation and section drawing (i.e., footings) – Required with all requests to construct an addition to a home, shed or any type of outbuilding.
4. Copy of the County Building Permit is required with all requests to construct an addition to a home, shed, or any type of outbuilding. (Copy of permit can be sent to the ARC after approval of project).

I do, by my signature understand and agree to the following (A and B):

A. That the Homeowners Association reserves the right to require removal or repair of the modification at my own expense if:

- The modification is not constructed or installed as per the approved specifications submitted with this form.
- The modification is not constructed or installed as per the mailed approval letter noting contingencies with approval.
- The modification is not complete as approved and abandoned as an unfinished project.
- The modification is not maintained in a safe condition; or the modification is not maintained in keeping with the surrounding structures and is not satisfactory to the Board of Directors.

B. I certify that I have read and agree to follow the Highlands Covenants and Restrictions pertaining to architectural control and review.

Signatures

Date

Architectural review and approval process:

With the above signature, I grant the architectural review committee or HCA permission to enter my property, to review proposed modifications on the site locations, 6 month final inspection (after the completion of the project) as well as any discrepancies that could arise relating to the completed project.

The ARC may enter my property without appointment between the hours of 8 A.M. and 8 P.M. Monday – Sunday to inspect the area. I also acknowledge that if I do not wish the ARC to enter my property without appointment, I must note that below. (This could delay review process due to the need for scheduling).

Signatures

Date

Appendix C. Mailbox Specifications

1. Approved house numbers may be purchased at Pleasants Hardware.
2. Paint Specification: Severe weather Valspar
Historic tan exterior latex-satin finish
Formula 3904-01
May be purchased at Lowe's
3. The appropriate mailbox is the "Jumbo" size.
4. Construction/Installation specifications:

