

SOUTH LAKES HOMEOWNERS ASSOCIATION

ARCHITECTURAL CONTROL RULES AND GUIDELINES

**Adopted by the Board of Directors
May 2022**

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ANIMALS/PETS

No animals, birds, fowl, poultry, or livestock, other than reasonable number of generally recognized house or yard pets shall be maintained on any property, and then only if they are kept, bred or raised thereon solely as domestic pets and not for commercial purposes. No animal shall be allowed to make an unreasonable amount -of noise, or to become a nuisance.

The City of Chesapeake has and enforces a "Leash Law" for cats and dogs. This Law will also be enforced by South Lakes ACC. Residents owning pets are required to clean up after their pets (Poop & Scoop). Additionally, pets are not to be allowed to roam free within the neighborhood.

ANTENNAS

No antenna, satellite dish or other device for the transmission or reception of television or radio signals, or any other form of electromagnetic radiation shall be erected, used or maintained outdoors on any property within the Association, whether attached to a building or structure or otherwise, unless approved by the ACC. Approval of installation of any antennas will be accompanied by the specification that said antenna will not be visible from the street or installed in the front of the unit.

AWNINGS AND TRELLISES

Awnings and trellises can effectively control glare and excessive heat buildup on windows and doors. As a result, they may reduce both energy consumption and utility costs. However, these control devices can have a considerable effect on the appearance of both a unit and the surrounding neighborhood. Hence, whenever the proposed awning or trellis will be Visible from Neighboring Property, a variance application must be filed. The ACC will review these applications based on the following:

- 1) Compatibility with the unit's architectural character.
- 2) Consistency with the visual scale of the unit to which the devices will be attached.
- 3) Effects of awnings or trellises on views, sunlight and natural ventilation of neighboring properties. If the proposed awnings will be removed for winter storage, pipe frames also must be removed.

BASKETBALL BACKBOARDS

Use of basketball backboards produces noise and vibration and in a compact townhouse community like South Lakes can become a particular nuisance. For this reason, no basketball backboards, Visible From the Neighboring properties, either free-standing or attached to a unit, are permitted on any residential property within South Lakes.

BOATS. TRAILERS. TRUCKS, RECREATIONAL VEHICLES & MOTOR VEHICLE REPAIRS.

No mobile home, trailer of any kind, truck, camper, boat or permanent tent or similar structure shall be kept or placed for a period of more than forty-eight (48) hours, or maintained, constructed, reconstructed, or repaired, upon any property or street (public or private) within South Lakes in such a manner as will be visible from neighboring property, provided, however, that the provisions of this paragraph shall not apply to emergency vehicle repairs. Units with garages need not apply for variances for boats, trailers, RV's or to do repair provided the vehicle is contained entirely within the garage, i.e. the garage door must close completely. Nonetheless, a city permit may be required. Contact the Building Codes Office.

BUSINESSES - No Lot shall be used except for residential purposes.

EXTERIOR CLOTHES DRYING FACILITIES

Outside clothes' lines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained in front of the rear foundation line on any property unless they are erected, placed and maintained exclusively within a fenced service yard or otherwise concealed, and shall not be Visible From Neighboring Property. On corner lots, they shall not be located closer to the side street than the line of the foundation facing said street.

DECKS

A complete application is required for a deck only if it will be Visible from Neighboring Property. Applications should include the following:

- 1) A description of the materials to be used.
- 2) An illustration of the proposed deck, including railings and stairs, dimensions and height above grade.
- 3) An explanation of any relocations of windows or doors, meters, and heating/air conditioning units.
- 4) A description of any changes in exterior lighting (refer to residential lighting).
- 5) A description of plantings to be removed for construction of or added in conjunction with the deck. The City of Chesapeake requires a building permit be obtained prior to constructing a deck. Contact the Building Codes Office.

DOG HOUSES & DOG RUNS

No structure for the care, housing or confinement of any animal shall be maintained so as to be visible From Neighboring Property.

DRIVEWAYS

Owners of homes in South Lakes HOA are responsible for maintaining their respective unit's driveways. Driveways should be cleaned of grease and oil stains. No application is required for driveway repairs, however, repairs must not alter driveway dimensions and they must be made with Portland cement. A variety of Portland cement mixes are available. In order to limit future maintenance problems, care should be taken to select the proper mix. Variance applications are required for any additional driveways or extensions of existing driveways. A physical survey should be submitted along with the application.

FENCES

The rights and duties of Owners with respect of Fences shall be as follows:

1. No Fence or wall of any height shall be erected on any Lot until after the height, type, design and approximate location therefore shall have been approved in writing by the Developer or Builder, or by the Association ACC as the case may be.
2. No fence or wall? Shall be constructed closer to the front Lot line than the rear foundation line of the dwelling constructed thereon unless approved by the ACC.
3. Only wooden privacy fences, not to exceed six (6) feet in height shall be approved for installation along the rear property lines of the Lots that do not have rear property lines bordering the water.
4. Only wooden privacy fences, wooden split rail fences or wooden round rail fences, not to exceed three (3) feet in height, shall be approved along the rear of those Lots which border the water.
5. Only wooden privacy Fences, not to exceed six (6) feet in height shall be approved for installation along the side property lines of the Lots that have rear property lines bordering the water, and the rearmost eight (8) feet in length must be tapered down to three (3) feet to match the rear fencing requirements.
6. Privacy Fences shall be constructed tops finished in the Dog-eared style.
7. The finished side of all fences shall face the exterior of the property.
8. No chain-link, wire or other metal materials shall be used.
9. Fence materials that weather naturally are to be preferred and front yard fences will not be permitted unless the Architectural Review Board approves an exception for Owners of "end" residences.
10. Repairs to the original builder-installed fencing or other fencing constructed with Architectural Review Board approval shall not require an application and Architectural Review Board approval before such repair.
11. Damaged fencing shall be repaired within thirty (30) days of the damage. Any such repairs shall restore the fencing to its pre-damaged condition.

12. No fence shall be installed across, around or through any pedestrian Ingress/Egress Easements or landscape easements, if any, as shown on said subdivision plat or as may be described herein.
13. Proposed fencing across any utility easement area shall only be constructed with the approval of the Utility Company, the approval of the Architectural Review Board and/or the Builder and Developer.
14. All fences shall remain in a natural color and no paint or colored stain shall be used.
15. All existing fences shall be exempt from until, however, when said fences deteriorate to the point of replacement, they shall be replaced to conform with current architectural standards.

GRILLS, PERMANENT

Permanent grills which are Visible from Neighboring Properties (VFNP) require an application to the ACC. If the grill is not VFNP, no application is necessary. In general, grills should be located both behind the unit's rear foundation line and with the fenced area. For necessary city permits, contact the City of Chesapeake Codes Office. Note: All grills shall be kept at least five (5) feet from all sidings.

GUTTERS AND DOWNSPOUTS

Proper unit maintenance requires that gutters and downspouts be kept in good repair. When replacing existing gutters and/or downspouts or portions thereof, no variance application is necessary. However, an application is required if in any way altering, i.e. changing color or relocating the existing systems.

Prior to installing gutters and/or downspouts additional to those present at time of original sale, a variance application must be piled with the ACC.

HEATING AND AIR CONDITIONING SOURCES

Before installing an external heating and/or air conditioning unit additional to that installed by the subdivision builder, a variance application must be filed with the ACC. An application is also necessary when relocating the builder installed units. Generally, all heating and/or air conditioner units shall be located behind the unit's rear foundation line and within the fenced yard. Window and wall units which will be VFNP* are not allowed.

HOUSE NUMBERS

House numbers are required and should be appropriate in scale and color to the size and design of the house and be visible from the street.

IRRIGATION AND WATER BODIES

- (a) Irrigation. No sprinkler or irrigation system of any type which draws upon water from the lake or other ground or surface waters within Property shall be installed, constructed or operated with the Property without the written approval of the Developer and Builder, or the Association, as the case may be; except that the Association shall have the right to draw upon water from such water bodies for irrigation of the Common Area.
- (b) Lakes and Water Bodies. The lake within the Property, shall be an aesthetic amenity only, and no other use thereof, including, without limitation, swimming, boating, playing or use of personal flotation devices, shall be permitted. No piers or docks shall be constructed on any portion of the lake, nor attached to the shoreline or bands thereof. 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 lake within the Property.
- (c) Fishing is not permitted along the lake/pond.

LANDSCAPING

Application is required if any deviations from the builders original landscaping plan is to be made. It is the Homeowners responsibility to keep all shrubs, trees and grass neatly trimmed, properly cultivated and free from all trash, and other unsightly materials. The Homeowner is also required to maintain the grass located behind fences and easement property. No plantings are allowed outside of fenced in areas located at the rear of the dwellings with the exception of fences facing a public street. This includes vegetable gardens which may only be planted within the fenced in areas at the rear of dwellings. The ACC will

consider each application on an individual basis. Failure to Maintain. In the event an Owner shall fail to maintain his Lot or Parcel and the Improvement 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 or Parcel to correct such failure. All costs related to such correction shall be come an Assessment upon such Lot or Parcel and as such shall be regarded as any other Assessment with respect to lien rights of the Association and remedies provided within the declaration for non-payment. **Please note that all owners are responsible for maintaining the three (3) foot easement behind their individual unit. If not maintained after notification of violation within seven (7) days the association will maintain it and the cost will be assessed to the homeowner.**

LIGHTING, RESIDENTIAL

1. General: The replacement of an existing light fixture, if accomplished with a realistic match to the old fixture, does not require approval from the ACC. If a change in style, size, shape, color or position is desired, or if additional light structures are to be installed on existing structures, an application is required.
2. Permanent Exterior Lighting and Wiring: Permanent Exterior Lighting and Wiring requires a full application. All exterior lighting should be installed so as not to shine on adjacent property or public space and should be aesthetically planned for each location.
3. Security Lighting Flood lights and various types of high output lights fall under this group. Exterior lighting of this group should be considered more carefully because of the impact on neighboring properties. Light fixtures of this type should be carefully 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. A full application is required.
4. Temporary Lighting: Decorative holiday and festival lighting does not require approval; however, holiday lighting shall not be operative prior to the 26th of November in any year, not later than the following 7th of January. All lighting must be totally removed by January 22nd. The ACC suggests that you make sure that your lighting display is not objectionable to your neighbors or adjacent properties, or across the street from you.
5. Per the Virginia Underground Utility Damage Prevention Act or "Miss Utility Law", prior to any planned excavation work, MISS UTILITY (1-800-552-7001) must be called 48 hours in advance to allow time for marking. The marking must be respected and protected.

NUISANCE

No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any property, and no odors shall be permitted to arise therefrom so as to render any such property or any portion thereon unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. No nuisance shall be permitted to exist or operate upon any such property so as to be offensive or detrimental to any other property in the vicinity thereof or to its occupants. Without limiting the general of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on any such property. The Board, in its sole discretion, shall have the right to determine the existence of any such nuisances.

PAINTING AND STAINING EXTERIOR

Exteriors of all living units and accompanying structures must be kept neatly and adequately painted and/or stained. If a unit or other structure is to be repainted or re-stained with either the original builder color or a previous (ACC) approved color, no variance application is needed. However, the old and new colors must match; they must have both the same manufacturer and the identical name or number. If either manufacturer or name/number differs, then a color change is involved, and an application is required. In general, the ACC recommends that proposed colors be of the same theme as the subdivision of which the unit is a part.

SHEDS AND TOOL STORAGE

A shed or other storage structure in addition to that constructed by the Subdivision Builder 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 completed structure is also necessary. Generally storage structures must be located both behind the living unit's rear foundation line and within the fence area, preferably as near as possible to the unit. The Committee recommends wood as the building material and shingles as roofing. The structure should be painted or stained and shingled the same as the existing living unit. It should be unembellished. No shed shall exceed 100 square feet, nor be wider than ten (10) feet and no higher than ten (10) feet from ground level. Roofs of sheds shall be a minimum of 4/12 pitch. The City of Chesapeake requires that a permit be obtained prior to beginning construction. Contact the Building Codes office.

SIGNS

No signs whatsoever (including, but not limited to, political or similar signs) which are Visible From Neighboring Property shall be erected or maintained on any Lot or Parcel of property except as approved by the Architectural Review Board notwithstanding the foregoing, the following shall be allowed on any such Lot or parcel:

1. Signs required in connection with any legal proceedings, proceedings of the city Council, Planning Commission, or other administrative body;
2. Not more than two (2) residential identification signs, to each of which shall be limited to a combined total face area of seventy-two (72) square inches, or less;
3. During construction, one (1) job identification sign not larger than eighteen (18) by twenty-four (24) inches;
4. Such signs, the number, type and size of which as may be approved from time to time by or the Association, as the case may be.
5. One (1), For Sale or For Rent signs not larger than (2) by three (3) feet.
6. No trespassing signs must be approved by the board and will only be approved on a case by case basis.

SOLAR COLLECTORS

Require prior approval from the ACC.

STATUES, FOUNTAINS, ORNAMENTS

Any statue, fountain and/or ornament, including but not limited to window boxes, weather vanes, bird baths, etc. requires a variance application only if it will be VFNP.* Proposed statutes, fountains and ornaments should blend with the architectural style of the unit and should have minimal visual physical impact on neighboring properties.

SWIMMING POOLS, HOT TUBS & SPAS

If a pool, hot tub or spa is contemplated a variance application must be filed. The Committee will consider these applications on a case-by-case basis looking primarily at the potential effects of the proposed pool on neighboring and adjacent properties. In particular, the ACC will examine planned excavation, drainage and, if the pool will be visible from neighboring property (VFNP), and surrounding landscaping. All pools must comply with the City of Chesapeake Codes. Neither inflatable nor plastic wading pools require an application.

SWING SETS, SANDBOXES & OTHER PLAY EQUIPMENT

Play equipment which will not be VFNP* does not need an application for variance. If the proposed equipment will be VFNP*, however, a complete application is required. The following guidelines are intended to assist in both planning the play area and filing the necessary application:

- 1) All play equipment should be located both behind the Unit's rear foundation line and within the fenced area.
- 2) Wood equipment should be left unpainted and allowed to weather.

- 3) Metal equipment should be painted an inconspicuous color, preferably either to match the unit's siding or to blend with the unit's rear fencing.

TRASH STORAGE AND COLLECTION

In any neighborhood, garbage and trash storage is particularly important. Improper storage can lead to not only a shabby appearance, but also health and odor problems. No garbage or trash shall be placed or kept on any property except in covered containers. In no event shall such containers be placed in the front or side yard of any Lot to be Visible from Neighboring Property, except to make the same available for collection, and then only for the shortest time reasonably necessary to effect such collection. All rubbish, trash and garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any lot. **Southlakes current city trash pick-up day is Thursday. Please note that all trash cans cannot be put out before 5pm on Wednesday evening and must be removed and not VFNP by a 5:00pm Thursday evening.**

UTILITIES

No lines, wires, or other devices for the communication or transmission of electric current or power, including telephone, television and radio signals, shall be erected, placed or maintained anywhere in or upon any property unless the same shall be contained in conduits or cables installed and maintained underground, or concealed in, under or on buildings or other structures approved by the Architectural Review Board.

VEGETABLE GARDENS

Vegetable gardens do not require approval provided the following conditions are met:

- 1) All plantings are located behind the unit's rear foundation line and inside the unit's rear fencing.
- 2) The garden is not planted on a grade which will cause damage to property below it through the flow of water onto lower property.
- 3) No crops exceed the height of rear fencing at its lowest point.

Should one or more of these conditions not be met, a variance application is necessary. Plant supports and dead vegetation must be removed at the end of the growing season.

WOODPILES

Woodpiles do not necessitate filing a variance application. However, all woodpiles must be located both behind their respective unit's foundation line and within its fenced yards. In no instance should a woodpile readily be visible from either a street or a neighbor's view. Woodpiles' height shall not exceed the height of the fence enclosing them.

ARCHITECTURAL REVIEW PROCEDURE:

Prior to any changes made to the EXTERIOR of the home that would alter the exterior appearance (including, but not limited to paint colors, doors, windows, balconies/patios/decks, sheds, fences, etc) each Homeowner will submit to the Architectural Review Board (ARB) a completed application form provided by the ARB via The Select Group. Any application(s) submitted will not be reviewed until the application is completed. The ARB/Board of Directors (BOD) will approve or disapprove the completed application within 45 days. No changes shall be started and/or completed without approval of the ARB/BOD. The ARB may exercise its sole discretion in determining whether to approve or disapprove any Plans, including the location of any improvement on the lot or parcel. No improvements shall be constructed for Lots or Parcels Lakeside or Line of Sight from the street including easements viewed from the street or neighboring properties. This includes, but not limited to, flower boxes, enclosed porches, sunrooms, permanent covered patios, gazebos, lengthening porches and/or patios.

DUE PROCESS PROCEDURES

Toward the implementation and documentation of a fair and equitable policy in the enforcement of the rules and regulations of the Association, this Due Process procedure was established by vote of the Board of Directors on June 1, 2010. This procedure adopts the Virginia Code standards to assess charges and fines against unit owners for violations of the Association's governing documents, rules and/or regulations by the owner, his family members, guests, tenants or other invitees.

1. A violation of the Rules & Regulations or any provision of the Association's other governing documents by an owner, his family members, guests, tenants or other invitees will normally be cited via a first and, if necessary, a second and possibly a third violation notice letter. Each letter will provide the owner the opportunity to remedy the violation. The time period allowed for the remedy may vary depending on the circumstances of the violation. Most will allow 3-4 weeks for resolution. Some violations may require immediate owner or Association action and the first, second or third violation letter(s) may be superseded by an immediate Hearing Notice letter.
2. A violation not remedied by the owner after notification may result in a summons to a Covenants Hearing. A Covenants Hearing notice letter will be forwarded to the owner by Certified or Registered Mail providing the owner with a minimum of fourteen (14) days notice before the scheduled Hearing. The notice will inform the owner of the violation and their right to appear, be heard, and be represented by counsel if they wish. They may question witnesses and examine any evidence presented.
3. The Covenants Hearing will be held privately before the Board of Directors or their appointed ACC Committee representatives. Witnesses and the owner will be heard and evidence reviewed. The Hearing body may render an immediate determination or may adjourn and consider the evidence privately before reaching a decision. Whatever the decision, the results of the Hearing will be documented to the owner via Certified or Registered Mail within seven (7) days of the Hearing. If the Hearing was held before the ACC Committee, the decision may be appealed by the owner to the Board of Directors. Such an appeal request must be made within fourteen (14) days of the date of the Hearing results letter. If the Hearing is held before the Board of Directors, there is no appeal within the Association.
4. If the Hearing body upholds the violation, remedies may include but are not limited to additional warnings and/or time periods for compliance; fines (\$50.00 for a single event violation; or up to \$10.00 per day for up to 90 days for any continuing violation); the cost to remedy a violation by the Association; loss of privileges, or the use of facilities, or any Association provided utilities as may be permitted by law and the Association's governing documents. The Hearing body may also recommend that the rule or regulation in question should be reconsidered by the Board of Directors.
5. Fines or other sanctions imposed will be documented and implemented by the Management Company or agent on behalf of the Association. Where any fine goes

unpaid by the owner, legal means will be pursued through the Association's Attorney to obtain collections and/or a valid lien on the owner's unit.