

## **A. ARCHITECTURAL CONTROLS**

1. Submission of Plans to the Architectural Review Board. No exterior addition, modification or alteration shall be made on or to any existing lot or other portion of the property or to the improvements located on any lot unless and until a written plan or plans have been submitted, reviewed and approved by the ARB. The plan or plans must be in accordance with the current APPLICATION TO THE ARCHITECTURAL REVIEW BOARD (Enclosure 1).

2. Approval and Disapproval of Plans by the Architectural Review Board.

a. Approval. Upon approval by the ARB of any plans submitted pursuant to these guidelines, the association manager (UPA) shall notify the applicant in writing of such approval. All approved alterations must be completed within ninety (90) days from the date of the approval letter. Otherwise, the approval will be considered not acted upon and rescinded.

b. Approval with Stipulation(s). In cases where certain aspects of the application are unclear or are not in accordance with accepted guidelines, the application may be approved with stipulation(s). As with approvals, the association manager (UPA) shall notify the applicant in writing of such conditional approval. Authorized work must be completed within ninety (90) days from the date of the approval letter as noted in paragraph A above.

c. Disapproval. In any case where the ARB disapproves any plans submitted, the association manager (UPA) shall notify the applicant in writing, including a statement regarding the basis of the disapproval. The ARB may disapprove plans submitted for any of the following reasons:

1. Failure of such plans to comply with these guidelines.
2. Failure to include required information in such plans.
3. Failure of proposed improvements to comply with any zoning, building, health or other governmental laws, codes, ordinances, rules and regulations.
4. Objection to the site plan, exterior design, appearance or materials of any proposed improvements, including but without limitation to, colors or color scheme, finish, proportion, style of architecture or proposed parking.
5. Incompatibility of proposed improvements or use of proposed improvements with existing improvements or uses in the vicinity.
6. Any other matter which, in the judgment and sole discretion of the ARB, would render the proposed improvements, use or uses, inharmonious or incompatible with or inferior to the general plan or improvement of the property or portion thereof or with improvements or uses in the vicinity.

3. Failure of the Architectural Review Board to Act. The plans shall be deemed approved by the ARB if not acted upon by it within thirty-five (35) calendar days from receipt of the submission by the association manager (UPA).

## **B. GENERAL COVENANTS AND RESTRICTIONS**

1. Applicability. No exterior addition, modification or alteration shall be made on or to any portion of the property or to the improvements located thereon unless and until a written plan as detailed in Enclosure (1) has been submitted, reviewed and approved by the ARB.

2. Project Requirements. All construction, either modification or improvement, must meet all city, state, and federal requirements. It is the sole responsibility of the owner to ensure that all legal requirements are met for any project. The ARB will not approve any plans for improvement that would either knowingly or unknowingly violate any federal, state or local law, ordinance, statute, regulation, etc. It is also the responsibility of the owner to repair any damage to Association grounds that may occur as a result of work on an approved project.

a. City and State. All local guidelines and building codes shall be met including building set-back requirements. Building Permits will be displayed as required during construction.

b. Federal. Projects on properties that are part of or adjacent to wetlands and affect Wooded areas, property slope and/or drainage must be approved by the Army Corps of Engineers.

3. Building Exteriors. All exterior colors must be from the color charts provided by the original builder and maintained onsite by the association manager (UPA). The facades of dwellings or outbuildings may be comprised of brick or vinyl siding. The use of these or other types of materials must be approved by the ARB. Exteriors of all buildings are to be clean and free of mold and excessive dirt/grime. Shutters and trim shall not be faded or have cracked paint.

4. Outbuildings and Structures. An ARB application (Enclosure 1) must be submitted for all outbuildings and structures.

a. Outbuildings/Sheds. When not behind a six (6) foot high privacy fence, all outbuildings, detached garages or sheds shall be designed and constructed to reflect similar styling, materials and colors of the main dwelling and must be constructed on a foundation with a floor fabricated of concrete, wood or similar material. Such structures must be located within the boundary established by projecting the side building lines of the dwelling to the rear line of the lot. When located behind a six (6) foot high privacy fence built in accordance with the provisions of Section 5a to screen the structure from other lots, the requirement to reflect similar styling, materials and colors of the main dwelling does not apply. However, only prefabricated or kit outbuildings made from wood, plastic, and/or vinyl siding may be used and must be constructed on a foundation with a floor fabricated of concrete, wood, plastic, or similar material. No outbuildings made of steel or other metals will be permitted due to the corrosive environment present in a coastal area. No outbuilding or shed shall exceed ten (10) feet by twelve (12) feet and ten (10) feet in height.

b. Decks. All decks shall be constructed of wood, brick, tile, masonry, or composite materials. Applications must include dimensions and a description of materials and features. Applications shall include a copy of the building permit.

5. Fences and Screening. An ARB application (Enclosure 1) must be submitted for all fences and screening.

a. Fences. All fences shall be constructed with white vinyl material. A fence may only extend forward of the rear building line of the dwelling on a side of the residence that has a side door or as approved by the Architectural Review Board. The homeowner is responsible for obtaining permission to "tie into" any existing fence lines of adjacent properties. If fences do not

adjoin, the property owner is responsible for maintaining the area between the fences in accordance with the existing rules and regulations pertaining to maintenance.

b. Corner Lots. For safety and security reasons, all fences that exceed forty-eight (48) inches in height may not be located any closer than twenty (20) feet from the edge of the curb adjoining the abutting street. Any fence or portion thereof which is basically parallel to and fronting on a public right of way open space or lake shall have shrubs planted along and adjacent to the side of the fence facing the right of way, open space or lake. The shrubs shall be planted no more than four (4) feet apart with a minimum height at planting of two (2) feet and reaching a maximum height of the fence.

c. Screening. Any screen planting, fence enclosures or walls initially developed on a lot or other portion of the property shall not be removed or replaced with other than a similar type of planting, fence, or wall except with the permission of the ARB. Except for the foregoing, no fences, wall, or screen planting of any kind shall be planted, installed or erected upon a lot or other portion of the property unless approved by the ARB.

#### 6. Landscaping and Outside Decorations.

a. General. Continuous foundation planting and/or beds shall be required on any side of the dwelling that faces a public right of way and may only be broken by lateral walks and drives. Retaining walls and scalloped bricks are permitted around landscaping beds. All major landscaping projects must be submitted for approval before any work is started. Minor projects (i.e. flower beds, walkway illumination, etc) do not require ARB approval.

b. Lawns. Outside areas not approved for parking, driveways and structures must be covered with grass or landscaping. "Grass" is defined as those types commonly used in lawns such as fescue, bluegrass & Bermuda varieties. "Dirt" lawns or lawns which are predominantly crabgrass and/or weeds are not allowed. Grass is to be maintained not to exceed four (4) inches in height. Sidewalks and driveways should be edged and free of grass growing in the cracks and seems.

c. Mulch. Only earth-tone (red, brown or black), natural wood or recycled rubber material mulch will be permitted. No pine straw, rocks or stones are authorized.

d. Trees and Other Natural Features. Planting and/or replacement of trees must be approved by the ARB. A list of acceptable trees are included at the end of these guidelines as Enclosure (2). Removal of trees located anywhere on the property must comply with local rules and regulations. Clearing a property of brush or other flora must be approved by the ARB, the city of Suffolk and the Army Corps of Engineers where applicable

e. House and Yard Decorations. All outside seating that is visible from a public right-of-way will be located on porches. Outside seating shall be made of all weather material and be intended for outside use. A maximum of four statues, ornaments, monuments or bric-a-brac is authorized on a lot or structure that is visible from a public right-of-way is authorized on a lot or structure. Each item may not exceed three (3) feet in height and two (2) feet in width. One (1) garden flag is allowed. Temporary ornamentation which is customarily associated with accepted holidays are exceptions provided that such temporary ornamentation shall not be displayed for more than five (5) days after the end of the holiday. For all holidays in or during late December, those decorations must be taken down by January 7<sup>th</sup> of the following year.

f. Gardens. Vegetable gardens are permitted as long as they are confined to the backyard and concealed by a six (6) foot privacy fence.

7. Signs, Flags and Banners.

a. Signs. No signs may be displayed on any part of the home or lot unless it is a “For Rent” or “For Sale” sign of customary size and style. Others must be approved by the ARB.

b. Flags. One flag, no larger than three (3) by five (5) feet may be attached to the front of the dwelling, with exception of the American Flag which can be four (4) by six (6) feet. No permanent vertical flagpole shall be allowed. Flags can be of any symbol or seasonal representation (U.S. or Virginia State flag, any branch of the Armed Forces, a sports team, holiday or seasonal flags, for examples). If the American flag is flown, it must be in compliance with the American Flag Code, to include illumination at night. If displayed at all times, it shall be made of all-weather material. The owner is solely responsible for the condition of displayed flags and the manner in which they are displayed. While realizing the right for freedom of expression, offensive or obscene flags are not authorized and shall be deemed such solely at the discretion of the ARB or the Board of Directors. Whoever is offended by such a display may always contact civil authorities.

c. Banners. Authorized banners that can be displayed on the dwelling are those announcing a new baby or the return of a military member. Such banners may be displayed for up to one week.

8. Antennae. Communications or reception antennas, dishes or devices (antennae), shall be permitted provided that the antennae, dish or device, or any portion thereof, is placed in an inconspicuous location. The maximum size of such devices shall be one (1) meter in diameter.

9. Mailboxes. All mailboxes are to be front loading. The boxes must be white (vinyl or metal) with a supporting structure made of brick or masonry, or a post made of white vinyl or similar PVC-based material, and must be maintained so that the post does not lean, sag, or droop and the mailbox is free of rust stains, mold or other corrosion. Any plans for a masonry or brick mailbox must be approved by the ARB. Address numbers shall comply with the US Postal Service and Fire Department requirements. Address number plates are optional. Vehicles should not block mailboxes to enable mail delivery.

10. Storm Doors. Only storm doors that have one large full-view glass pane or with one break in the middle are authorized on the front entrance. The frame must be either white or match the color of the shutters, if shutters exist on the dwelling. Side entry doors and upper deck porch doors and back porch doors may have a screen door with a frame that’s either white or matches the color of the shutters. These doors may have cross bars or cross members.

11. Clotheslines. Outdoor clotheslines or other facilities for the drying or airing of any clothing or bedding shall not be permitted unless located behind a privacy fence.

12. Swimming Pools and Hot Tubs. An ARB application (Enclosure 1) must be submitted for all swimming pools and hot tubs, including, but not limited to, digging to take place for an in ground pool, associated decks and fencing.

a. Pools. All pools are to be confined to the backyard and concealed by a six (6) foot privacy fence. No pool accessories (i.e., decks, slides, etc.) shall be visible over the top of the fence.

b. Hot Tubs. Hot tubs are to be confined to the backyard area of the property. No hot

tub shall exceed four (4) feet in height from top to bottom. If set on a deck, the hot tub must be placed on a low profile deck not exceeding one (1) foot above ground level.

13. Recreational Equipment.

a. General. No recreational equipment, such as swings, or other play structures will be permitted to be permanently located in any front or side yard. This type of recreational equipment may not be attached to the front or sides of any dwelling, or be permanently located in the driveway of the dwelling. Also, the storage of bicycles, tricycles go-carts or other toys can not be left in view of the road. Note: Vehicles are not considered cover for these items.

b. Basketball Goal. One (1) portable basketball goal is permitted, but must not be left in or near the street when not in use. It may be stored in front of the garage or a side yard beside the front of the house when not in use.

14. Parking/Storage and Repair of Vehicles.

a. Parking/Storage. Each lot shall provide off-street parking via existing driveway, which must be constructed of cement, not loose material. The off-street parking area shall be of sufficient size to extend beyond the perimeter of the personally-owned car, SUV or truck. No boats, boat trailers, house trailers, buses, recreational vehicles, campers, camper pick-ups or similar items or vehicles, shall be parked within the subdivision except in a garage or on a lot in a paved area to the rear of the rear building line of the dwelling constructed thereon, and then only if said area is enclosed by a six (6) foot high privacy fence. Boats, boat trailers, house trailers, buses, recreational vehicles, campers, camper pick-ups or similar items or vehicles may only be parked in public view in the subdivision for short periods. Small commercial vehicles (e.g. pickup trucks, vans) are permitted, but are normally limited to no more than one per residence. No large commercial vehicles (e.g. tractor trailers, large panel vans, etc.), farm equipment, and construction equipment may be routinely parked in the subdivision. Non-licensed, non-operational or junk motor vehicles, trailers, campers, recreational vehicles, motorcycles, motor bikes, boats or like items shall not be kept, stored, repaired, or fabricated in public view within the subdivision. Exceptions to these guidelines require the consent of the Kempton Park Homeowner Association Board of Directors. Vehicles parked in driveways or on the street shall not block any portion of the sidewalk system within the community.

b. Repairs. No extensive repair work (e.g. engine or transmission removal / replacement, fender replacement, repainting that is more than a minor touchup on a scratch or chip, etc.) on any motor vehicles, boats or machines of any kind shall be permitted outdoors on any lot or portion thereof. Repair work inside of a garage is permitted as long as the garage door can be completely closed on a daily basis.

15. Motorcycles/ATVs. No motorcycles or ATV's or similar type of vehicle shall be operated on any portion of the Common Area except on streets, parking areas or similar portions intended for motor vehicle traffic.

16. Animals. All animals must be on a leash or in a fenced yard when outside (including "invisible" fence devices). Cats should have a collar with identification when outside. All pet owners are responsible for disposal of their animal's waste when walking pets on neighborhood grounds.

17. Refuse Disposal. Refuse containers (trashcans) will be stored completely behind the house or screened from view. "Screened from view" is defined as behind fence, building or shrubbery or inside garage. Vehicles are not considered cover for these items. Refuse containers shall be made of durable plastic and have an attached lid. Except for building materials required during the course of construction or repair of any approved improvements, no lumber, metals, bulk materials, rubbish, refuse, garbage, trash or other waste material shall be kept, stored, or allowed to accumulate outdoors on any portion of the property, except in sanitary containers and screened from adjacent and surrounding property. Pick-up of "Bulk Trash" must be arranged with the City of Suffolk and the refuse shall not remain at the curb for longer than seven (7) days.

18. Property Uses. The property shall be used only for residential purposes. No wholesale or retail business shall be conducted in or on any lot or other portion of the property without the consent of the ARB. This restriction is not intended to preclude the operation of an in-home office or doing business by telephone or leasing or selling of said property. Any other commercial or professional activity needs to have written approval from the ARB.

19. Noxious or Offensive Activities. No noxious or offensive activity shall be carried on upon any portion of the property.

20. Dwelling in Other than Residential Units. No temporary building, trailer, basement, tent, shack, barn, outbuilding, shed, garage, or building in the course of construction or other temporary structure shall be used, temporary or permanently, as a dwelling on any lot or other portion of the property.

21. No Transient Leases. An owner shall not lease a unit to a transient tenant, (i.e., a lessee whose initial lease term is less than one year), nor shall an owner lease a unit more than once during any one year period of time. Any lease must be in writing and shall be subject to the requirements of the declaration and the by-laws and any rules promulgated pursuant thereto. The owner of the dwelling is ultimately responsible for the conduct of their renters and must ensure they provide KPHOA bylaws to renter.

22. No Above Surface Utilities. No facilities or utilities, including and without Limitation to, poles and wires for the transmission of electricity or telephone circuits, and water, gas, storm or sewer drainage pipes and conduits shall be placed, installed, relocated or maintained above the surface of the ground, unless approved by the ARB.

23. Oil and Mining Operations. No portion of the property shall be used for the purpose of boring, drilling, refining, mining, or quarrying.

24. Maintenance. The owner (also applies in cases of rental property) of a lot subject hereof and any dwelling, fence or other approved structure or landscaping situated hereon shall maintain same in a fit, orderly and properly maintained condition. Property structures exteriors are to be clean and free of mold and excessive dirt/grime. Shutters and trim shall not be faded or have cracked paint. Bare dirt exposed lawns are not permitted. All grass areas must be kept alive either by reseeded or re-sodding. Damaged exteriors shall be repaired in a timely matter.

25. Infringement Upon Common Area/Grounds. No application containing a project that enters, connects to or otherwise infringes upon designated common areas or grounds will be approved.

26. Enforcement. The provisions hereof shall be enforced as set forth in the Declaration. Any resident within the KPOA can bring identified violations to the attention of the UPA agent, who will notify the owner of the violation.

27. Authority. The preceding Architectural Review Board Guidelines for the KPOA have been revised as of April 15, 2009 and are approved by the KPOA Board of Directors. These ARB Guidelines supersede all previous editions, versions or amendments.

**APPLICATION TO THE ARCHITECTURAL REVIEW BOARD**

Kempton Park Owners Association  
6550 Town Point Road, Suite 113  
Suffolk, Virginia 23435  
(757) 484-0706 Ext 407 / Fax (757) 484-3217

Date Submitted: \_\_\_\_\_

Name of Property Owner(s): \_\_\_\_\_

Address / Lot Number: \_\_\_\_\_

Phone Number(s) of Owner: \_\_\_\_\_

Contractor Info (if applicable): \_\_\_\_\_

Project Name (circle one): Fence / Shed / Landscaping / Other

If "Other", provide details: \_\_\_\_\_

Start & Finish Dates: \_\_\_\_\_

**Documentation to be submitted for review:**

- Site plan showing areas of improvement and dimension specifications.
- Color palates or examples of all requested changes and narrative of final color spectrum.
- Specific types of material to be used (make/model). Colored pictures are extremely helpful.
- Illustration or colored picture of any new replacement component.
- Description of plants or shrubs to be removed, added or otherwise altered.
- If necessary, copy of building permit(s) when obtained or any other special permits if required.
- If applicable, elevation plan of excavation or change in grading.
- If applicable, description of changes in exterior lighting.

Enclosure (1), KPOA ARB Guidelines

Final approval will be based upon information voluntarily supplied in or with the application. This approval is limited to design criteria established by the ARB for the KPOA and should not be interpreted as approval of any variation from restrictions or conditions imposed on the property owner by contract, other provisions or the recorded covenants or any regulations or requirements of the local building inspector's office.

By signing below, I understand that I must wait for receipt of your written approval of this application before beginning the alteration or project and that approval of such alteration or project by the ARB does not release me/us of our obligations to ensure that such alteration or project is in compliance with all local, state or federal ordinances.

All exterior alterations must be completed within 90 days from the date of the approval letter. Otherwise, the approval will be considered not acted upon and rescinded. The owner must reapply if the alteration or project is not completed within this 90 day window.

\_\_\_\_\_  
Signature(s) Date

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**Architectural Review Board or Board of Director's Action**

\_\_\_\_\_ Approved as submitted.

\_\_\_\_\_ Approved with attached stipulation(s).

\_\_\_\_\_ Disapproved as submitted.

Stipulation(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members comprising ARB or BOD:

\_\_\_\_\_  
Printed Name & Board Position      Signature Date

\_\_\_\_\_  
Printed Name & Board Position      Signature Date

\_\_\_\_\_  
Printed Name & Board Position      Signature Date

Enclosure (1), KPOA ARB Guidelines

TREES APPROVED FOR UTILITY EASEMENT:

Trident maple	Hedge maple
Amur maple	Paperbark maple
Japanese maple	Serviceberries
American hornbeam	Japanese hornbeam
Redbuds	Chinese fringe tree
White fringe tree	Kousa dogwood
Stellar series dogwoods	Thornless cockspur hawthorn
Washington hawthorn	Franklinia
Golden-rain tree	Crape myrtle
Galaxy magnolia	Little Gem magnolia
Saucer magnolia	Star magnolia
Sweet bay magnolia	Flowering crabapple
Sourwood	Persian parrotia
Thundercloud cherry plum	Flowering apricot
Yoshino cherry	Evergreen oak
Japanese stewartia	Japanese snowbell
Fragrant snowbell	Doublefile viburnum
Japanese tree lilac	

Enclosure (2), KPOA ARB Guidelines