

Kingsmill Community Services Association

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KINGSMILL COMMUNITY SERVICES ASSOCIATION RULES AND REGULATIONS

First adopted: October 2008

Revised and approved: November 21, 2019

UPLOADED

4/4/2023

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Introduction

A. Purpose

All Owners of residential Lots and all residents of Kingsmill are legally bound and shall abide by the Kingsmill Declaration of Covenants and Restrictions as amended (the "Declaration"), Supplemental Declarations, as amended, for individual Parcels (each a "Supplemental Declaration" and, along with the Declaration, collectively the "Covenants"), the Kingsmill Community Services Association ("KCSA") Articles of Incorporation and Bylaws, the Environmental Preservation Board ("EPB") Policies and Procedures, and other applicable legal documents related to Kingsmill (all aforementioned documents collectively referred to hereinafter as the "Governing Documents"). These Rules and Regulations were adopted to govern the use of the Lots, the Common Areas, and the Limited Common Areas within Kingsmill (collectively the "Properties"). Unimproved real property owned by Xanterra Kingsmill, LLC and/or Busch Properties, Inc. and their related entities, as well as all property located within the Busch Corporate Center, the Kingsmill Resort, and Busch Gardens Theme Park are not subject to the Governing Documents or to these Rules and Regulations. To the extent not otherwise defined herein, capitalized terms shall have the meaning set forth in the Covenants. Non-resident Owners are responsible for ensuring that their tenants and guests follow these Rules and Regulations and the Governing Documents.

B. Authority

The Declaration authorizes and empowers the KCSA Board of Directors and the EPB to establish rules regulating the use of the Properties within KCSA. See Declaration Article III, Section 3 and Article IV, Section 1, ; Bylaws Article VIII, Section 2, subparagraph b; and Section 55-513 of the Virginia Property Owners' Association Act. Accordingly, by resolution, the Board of Directors and the EPB established the following Rules and Regulations to govern the use of the Properties.

C. Governing Documents

These Rules and Regulations should be considered along with the Covenants and other Governing Documents. If any provisions of these Rules and Regulations conflict with the terms or provisions of any Governing Documents, the terms and provisions of the applicable Governing Documents shall control. While rules and regulations typically govern *conduct*, there are many instances in which the lines of conduct and exterior alterations or improvements overlap, and therefore there are cross references throughout these Rules and Regulations to the EPB Policies and Procedures.

Use of Property

1. **Animals.** In accordance with the James City County Code, guide animals and orderly dogs, cats and other usual and common household pets are welcome within Kingsmill, so long as the number per household does not exceed a reasonable number and the animals are not kept for commercial purposes, are well maintained, are kept under the control of the Owner at all times and are not considered a nuisance. Livestock and poultry, including but not limited to chickens, guinea hens, and quail, are not permitted. See also the Supplemental Declaration for your subdivision/Parcel for additional rules. Pets shall be kept on a leash whenever outside of a dwelling unit or Common Area. Owners are responsible for picking up and disposing of all pet waste. Pets shall be registered, licensed, and inoculated as required by law.
2. **Antennas, Satellite Dishes and Similar Devices.** See EPB Policies and Procedures.
3. **Association Property.** All Common Area and Limited Common Area shall be used only for the furnishing of the services and facilities for which the same is reasonably suited and which are incident to the use and occupancy of the Lots. Any improvements located on Common Area or Limited Common Area shall be used only for the intended purposes. Except as otherwise expressly provided in the Governing Documents, no Owner shall make any private, exclusive or proprietary use of any Common Area or Limited Common Area without the written approval of the Board of Directors and then only on a temporary basis. Owner must apply for approval from KCSA for any landscaping, including but not limited to any plants, shrubs, trees, flowers to be planted on Common Area or Limited Common Area immediately adjacent to an Owner's Lot. An Owner is responsible for any improvements and KCSA is not responsible for any maintenance or replacement of approved improvements. Owners may apply through the Buildings and Grounds committee. In the event any Common Area or Limited Common Area or any improvements thereon is damaged or destroyed by an Owner or his/her tenants, guests, licensees, agents or members of his/her family, KCSA may repair such damage at the Owner's expense. The costs of such repairs shall become a special assessment against the Owner's Lot and shall constitute a lien on such Owner's Lot and be collectible in the same manner as other assessments under the Declaration. Please also refer to the KCSA website at www.kingsmillcommunity.org for additional rules regarding the Association community centers, pools, tennis and basketball courts and

playgrounds, in addition, to information regarding Long Field and the Plantation Pavilion which are owned and operated by the Kingsmill Resort. Copies may also be obtained at the KCSA office

4. **Association Trails and Paths.** The trails and paths within Kingsmill are intended to be used and enjoyed by all Owners, residents and guests. Non-pedestrian users of the trails should remember to yield to pedestrians. Due to safety concerns, running and walking on the main roads is discouraged, however, it is recommended that pedestrians who utilize the main roads to access the trails walk facing oncoming traffic. The following rules are intended to be minimum rules to ensure the safety and enjoyment of those who utilize these trails:
 - a. The trails and paths are intended for use by pedestrians, bicyclers, scooter, skateboards and motorized scooters including Segways. Properly registered Low Speed Vehicles (traveling 20-25 mph) are permitted on the roadways but are prohibited on the trails and paths.
 - b. Larger motorized vehicles such as golf carts, mopeds, and gas or electric powered motorcycles are not permitted on Association trails and paths.
 - c. All bike riders are encouraged to wear helmets; it is required of all cyclers age 16 and under in accordance with state law.
 - d. The Association recommends that all manufacturer safety precautions be followed, including the use of helmets and other safety gear such as wrist guards, elbow pads and knee pads for scooters, skateboards, etc.
 - e. Because sight lines may be limited, users of the paths must stop at all crosswalks.

5. **Awnings.** The installation of all awnings must be applied for and approved by the EPB prior to installation. See EPB Policies and Procedures.

6. **Casualty.** Damage to property by fire, casualty, vandalism, accident or other cause must be promptly reported to the Association by any person having knowledge thereof. If a building or other improvement located upon a Lot is damaged or destroyed, the Owner thereof shall restore the site either (i) by repairing or reconstructing such building or improvement, or (ii) by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Properties. Such work must be commenced promptly after the date of casualty and substantially completed by no later than six (6) months after the date of the casualty; provided, however, that any unsafe structure must be

immediately secured and fenced. An extension may be granted by the Board of Directors, in its sole and absolute discretion.

7. **Clothes Drying Equipment.** Clothes lines or other clothes drying apparatus shall be screened from public view in a manner approved by the EPB.
8. **Business Use.** No trade or business activity, including any auction, estate sale, garage sale, moving sale, rummage sale or similar activity, may be conducted on or from any Lot; provided, however, that an Owner or occupant residing on a Lot may conduct business activity so long as: (a) it is compliant with the Declaration or Supplemental Declaration applicable to the individual neighborhood; (b) the existence or operation of a business activity is not apparent or detectable by sight, sound or smell from outside the Lot; (c) the business activity conforms to all zoning requirements for the Properties; (d) the business activity does not involve visitation to the Lot by clients, customers, suppliers or other business invitees or door-to-door solicitation of residents, any of which in a manner that is detrimental to the residential character of the community as may be determined by the Board of Directors; and (e) the business activity is consistent with the residential character of the community and does not constitute a nuisance, hazardous or offensive use or threaten the security or safety of other residents as may be determined by the Board of Directors.
9. **Contractors and Maintenance Workers.** In order to respect the rights of existing residents, construction activity should be limited to the hours of **7 a.m. to 7 p.m.**, Monday through Friday, and **8:30 a.m. to 5:00 p.m.** on Saturday. No radios may be played at levels that cause an unreasonable annoyance to adjoining Lots. Contractors shall not be permitted entrance to the community on Sundays, the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas or the day the holiday is observed, and at properties adjacent to the golf course during the Kingsmill Professional Golf Tournament to perform any work on Lots except for emergency repairs. Residents must declare and notify the gate houses of any emergency repairs in order to allow contractors entrance to the community on Sundays.
10. **Emissions.** There shall be no emission of dust, sweeping, dirt, cinders, odors, gases or other substances into the atmosphere (except for the normal residential chimney or BBQ grill emissions) or discharges of liquid, solid wastes or other environmental contaminants into the ground or any body of water (see also Rule 18 Hazardous Use; Waste).

11. **Fences.** The installation of fences must be applied for and approved by the EPB prior to installation. See EPB Policies and Procedures.
12. **Firewood.** Because of the threat of pest problems, firewood must be stored a minimum of six (6) inches off the ground. Firewood must be neatly stacked at a location at the rear of the unit, at least two (2) feet from any wall and shall not be stored so that it blocks access to any door or throughway or any Common Area or Limited Common Area. Firewood shall not be stacked in excess of four (4) feet in height. Owners must clean and sweep Common Areas and Limited Common Areas that have been littered due to delivery of firewood. If covered, firewood covers should comply with the EPB Policies and Procedures.
13. **Flags.** See EPB Policies and Procedures.
14. **Garage Doors.** To enhance the aesthetics of the community, garage doors shall be kept closed when the garage is not in use.
15. **Golf Carts.** Resort-owned golf carts are permitted on golf course property only and may only be operated by golf players during golf play. The golf courses are not part of the Association. Privately owned golf carts shall not be operated on the Common Areas, Limited Common Areas or Lots or upon the streets and right-of-ways of Kingsmill.
16. **Grills.** Except as provided in Supplemental Declarations, use of portable barbecue grills or other outdoor cooking equipment is permitted on the Lots. When in use, outdoor cooking equipment must be placed behind the dwelling positioned so that smoke will not disturb neighboring properties. Fires must be extinguished promptly after cooking. Permanent grills must be applied for and approved by the EPB prior to installation. See also EPB Policies and Procedures . Non-operational grills must be stored on a patio, deck or inside a privacy fence, shed, garage, or other outdoor enclosure approved by the EPB. Due to fire department regulations, disconnected propane tanks must be stored in an open outdoor area and must be shielded from the view of neighboring properties to the maximum extent possible.
17. **Group Outdoor Recreational Activities.** In Common Areas and Limited Common Areas, group outdoor recreational activity may be permitted from sunrise to sunset in designated areas if approved by the Board of Directors.
18. **Guests.** Guests must adhere to all Kingsmill Rules and Regulations while on Properties. Owners must notify KMPD at 757-603-6000 of all arriving guests.

Frequent guests may be placed on Owner's "Approved Guest List" at the KCSA front office and may be eligible for an entry bar code. The KCSA or KMPD office should be contacted for additional information.

19. **Prohibited Uses; Hazardous Materials.** Nothing shall be done or kept on the Properties which will increase the rate of insurance applicable for permitted uses thereon without the prior written consent of the Board of Directors, including, without limitation, any activities which are unsafe or hazardous with respect to any person or property. No person shall permit anything to be done or kept on the Properties which will result in the cancellation of any insurance on any of the Properties or any part thereof or which would be in violation of any law, regulation or administrative ruling. No vehicle of any size which transports flammable or explosive materials may be kept or driven on the Properties at any time. Each Owner shall comply with all federal, state and local statutes, regulations, ordinances, or other rules intended to protect the public health and welfare as related to the land, water, groundwater, air or other aspects of the natural environment (the "Environmental Laws"). Environmental Laws shall include, but are not limited to, those laws regulating the use, generation, storage or disposal of hazardous substances, toxic wastes and other environmental contaminants (collectively "Hazardous Materials"). No Owner shall knowingly use, generate, manufacture, store, release, dispose of or knowingly permit to exist in, on, under or about the Properties or any portion thereof, or transport to or from any portion of the Properties, any Hazardous Materials except in compliance with the Environmental Laws. No waste shall be disposed of or released on any of the Properties.
20. **Holiday/Seasonal Decorations.** "Holiday/Seasonal Decorations" as used herein means those temporary decorations and lighting elements associated with a particular national, state, local or religious holiday. Holiday/Seasonal Decorations may be displayed without EPB approval for up to seven (7) days before and seven (7) days after such holidays, except Christmas, Hanukkah and Kwanzaa decorations which may be displayed from Thanksgiving through January 7 of each year. Owners desiring to display Holiday/Seasonal Decorations for longer periods should apply to the EPB for permission. Owners are urged to take care and exhibit consideration for their neighbors when displaying Holiday/Seasonal Decorations so as not to cause an unreasonable source of annoyance to occupants of neighboring properties.
21. **Hoses.** Except when in use, hoses shall be concealed from view and stored in a neat and orderly fashion.

22. **Irrigation Systems.** The installation of irrigation systems must be applied for and approved by the EPB prior to installation. See EPB Policies and Procedures
23. **Lights.** Exterior and landscape lighting must be applied for and approved by the EPB prior to installation. See EPB Policies and Procedures.
24. **Lakes and Ponds.**
- a. No gasoline powered boats or equipment are allowed on any of the lakes or ponds within the community.
 - b. Fishing is permitted in Kingsmill Pond.
 - c. Storage of properly registered watercraft approved for use on the community lakes or ponds is located at Macaulay Mini Park and must be registered with KCSA. Storage of watercraft, canoes, kayaks, johnboats etc. will not be permitted at any other location including but not limited to the dam at Kingsmill Pond. Association docks and piers may not be obstructed by the storage of any watercraft.
25. **Landscaping; Sight Lines.** See EPB Policies and Procedures.
26. **Lawful Use.** No improper, offensive or unlawful use shall be made of the Properties or any part thereof, and all laws, zoning ordinances and regulations of all governmental agencies having jurisdiction shall be observed and complied with by, and at the sole expense of the Owner, the Association, the Developer or any homeowners association or condominium unit owners association, whichever shall have the obligation for the upkeep of such portion of the Properties.
27. **Leaf Collection/Yard Debris.** The burning of leaves and other yard debris upon any of the Properties is strictly prohibited. At no time shall leaves be piled in streets for collection. Bags of leaves shall be placed by the curb for bulk pick-up only and shall not be evident prior to 5 p.m. the night before scheduled pick up. An Owner shall not rake or blow leaves into any Common Area, Limited Common Area, an LPZ or other drainage area, or outside the boundaries of the Owner's Lot. Those owners who choose to employ the services of an outside contractor should contract for the removal of yard debris by that contractor.

28. **Leasing.** Owners who lease their Lot/Living Unit must complete and submit a tenant information form which can be obtained at the KCSA office within 5 days of entering into the lease. The foregoing shall not apply to those Lots/Living Units owned by the Developer and/or the owner of the Kingsmill Resort (Padgett's Ordinary I & II, Padgett's Ordinary III, Pelham's Ordinary and Conference Center Condos), or comprising condominium units located within the Resort; provided, however, that such Lots/Living Units shall continue to be subject to any use restrictions set forth in the respective condominium declarations and/or Supplemental Declarations applicable to such Lots/Living Units. Occupancy is per James City County ordinances. Refer to Article VI, section 1(g) of the Declaration as amended May 15, 2009. (Minimum 12 months lease)

Owner must update a Tenant Information Form at the end of each lease term and notify KCSA when any tenant has vacated a community residence. If KCSA is not properly updated, then the Tenant barcode will be deactivated. Advertising any use of the property that is not in compliance with the Governing Documents is strictly prohibited.

29. **Mailboxes and Newspaper Tubes.** Only mailboxes and newspaper tubes approved by the EPB shall be permitted. Mailbox posts must be well maintained, including staining, and must be repaired and replaced as needed.
30. **Maintenance.** Refer to Article VI, Section 2 of the Declaration. Repairs must be made in a workman-like manner consistent with that of the community. Criteria for unsightly conditions are based on the following:
- a. Trash and litter must be kept under control at all times. Trashcans, boxes and bags should not be evident prior to 5 p.m. the night before scheduled pick up. Empty trashcans must be removed and stored by 8 a.m. on the day after trash collection.
 - b. Clothes, blankets, towels, rugs, and appliances, ladders and other tools must be stored out of sight of the road and adjacent property.
 - c. Driveways and walkways are to be arranged and maintained in such a way that parking areas, lawns, and landscaped areas are clearly defined and easily recognizable and corresponding to the site plan on file. Driveways which are determined to be in disrepair or that adversely impact drainage will require replacement or repair.
 - d. Roofs and gutters should be free from visible leaves, limbs, branches and debris. Missing shingles, broken gutters, broken downspouts, and rotten

wood on steps, stoops, siding, fascia, trim or windows are to be repaired in a timely manner. Roofs must be maintained so that shingles are predominantly free from streaks to include tree sap, algae or other staining substances. Roof repairs must not appear to be patched

- e. Paint and stain that has faded, discolored, peeled, chipped or cracked must be repainted or restained. Mold, mildew and other signs of damage or neglect are not permitted.
- f. Windows and sliding glass doors that use multiple panes of glass must be replaced if vapor barrier is breached.
- g. Owners of Lots with houses are responsible to maintain their road right of way. Multi-family parcels are responsible to maintain the road right of way on their parcels. Road right of way maintenance includes, but is not limited to; the mowing of the lawn, the pruning and cutting of all trees and shrubbery, and the removal of leaves and debris. The road right of way must be kept clear of all visual and structural hazards. Formal and informal drainage structures may not be impeded, including but not limited to keeping the driveway culvert pipe clean of debris.
- h. Dead landscape plants, shrubs, trees, etc. must be removed promptly. Broken landscape elements (i.e. pots, etc.) must be repaired or removed promptly.
- i. Lawns should be kept neat and shall not exceed six inches in height.
- j. Landscaped areas or mulched areas must be kept free of weeds, grasses, and underbrush. All Lots, including naturally wooded Lots, must remove yard debris and leaves in a timely manner.
- k. Yard debris such as fallen limbs, branches, and piles of leaves must be removed promptly. Yard debris cannot be dumped or blown into Common Areas or Limited Common Areas, easements, an LPZ or other drainage area, or any other Lot.
- l. Vacant Lots must be kept clean of debris, fallen branches, limbs, trees, underbrush, etc. KCSA is responsible for mowing the road right of way.

31. **Maintenance During Construction or Renovation.** All Lots must be maintained free of debris during the course of construction or renovation. Adjoining streets must be kept cleaned of debris and mud. Any Lots purchased

where construction or renovation is not to begin immediately must be kept free of debris, must have sufficient erosion protection in place, and must be maintained on a regular basis so that existing grass and weeds do not exceed a height of 6 inches. Building sites that maintain a portable toilet for the use of subcontractors working on the site should be screened and located, where possible, near the side of the property, out of view of the street and adjacent properties and must be cleaned on a regular basis. Owners must complete and receive approval of a KCSA Construction Dumpster application prior to contracting for a dumpster.

32. **Construction Restrictions.** All builders and contractors must comply with the rules set forth in this document and the EPB Policies and Procedures. Specifically, in addition to those items previously addressed herein, each builder/contractor and its subcontractors shall observe the following:
- a. Each contractor shall maintain the exterior grounds and premises in a neat and clean condition, free of all trash and debris.
 - b. Unless prior approval is obtained from the EPB, no materials, except those that will be incorporated into the project during a maximum of thirty (30) days following delivery will be allowed on the exterior of the site. Those materials stored on site will be maintained in a neat order.
33. **Mining.** No Lot shall be used for the purpose of boring, mining, quarrying, exploring for or removing oil or other hydrocarbons, minerals, gravel or earth except with the prior written approval of the Board of Directors.
34. **Noise.** All persons present on the Properties shall comply with the applicable local noise ordinance and shall not permit or engage in any activity, practice or behavior that makes or causes to be made any excessive, unreasonably loud noise or any noise that causes unreasonable annoyance, discomfort or disturbance to any other person(s) lawfully present on any portion of the Properties.
35. **Nuisances.** No nuisance shall be permitted to exist on any Lot or Parcel. Noxious, destructive, or offensive activity, or any activity constituting an unreasonable source of annoyance, shall not be conducted on any of the Properties or any part thereof, and the Association shall have standing to initiate legal proceedings to abate such activity. Each Owner shall refrain from any act or use of his/her or her Lot or Parcel that could reasonably cause embarrassment, discomfort, or annoyance to other Owners or residents.

36. **Obstructions.** No person shall obstruct any of the Common Areas, Limited Common Areas, road rights of way, or otherwise impede the rightful access of any other person to any portion of the Properties upon which such person has the right to enter. No person shall place or cause or permit anything to be placed on or in any of the Common Areas or Limited Common Areas without the approval of the Board of Directors. Nothing shall be altered or constructed in or removed from the Common Areas or Limited Common Areas except with the proper written approval of the Board of Directors. Please see use of Association Property for additional information.
37. **Open Houses.** Open Houses allowing realtors and brokers to view a property are permitted provided the Owner registers the Open House with KCSA or KMPD a minimum of 5 business days before the scheduled Open House and proper ID is provided to the gate houses. Open Houses for Kingsmill residents are allowed and may be advertised in the Bulletin. Open houses for the general public are not permitted. Please notify KCSA or KMPD when a house is to be shown.
38. **Parking and Vehicular Restrictions.** (See also Association Trails and Paths.)
- a. Parking within Kingsmill shall be restricted to private vehicles within the driveways and areas designed and/or designated for parking. All vehicles must be parked so as not to impede traffic or mailbox access, or damage vegetation. No parking on lawns shall be permitted.
 - b. No overnight parking on streets or road shoulders shall be permitted.
 - c. No junk or derelict vehicles or other vehicle not displaying current registration and inspection plates shall be kept on any portion of the Properties, nor shall any major repairs of any motor vehicle which shall cause the vehicle to remain inoperable at the end of one day be conducted upon any portion of the Properties. Privately owned vehicles may be repaired and stored within enclosed structures.
 - d. No vehicles parked within the Common Areas or Limited Common Areas may display a "for sale" sign.
 - e. Except as otherwise expressly authorized by these Rules, no commercial vehicles, construction vehicles, or trailers of any type, shall be parked or stored within the Properties, except in garages. "Commercial Vehicle" means any motor vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more

pounds; (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials. Every such motor vehicle or combination of vehicles shall be considered a Commercial Vehicle whether or not it is used in a commercial or profit-making activity. The absence of commercial lettering or graphics on a vehicle shall not be determinative of whether it is a Commercial Vehicle. Conversely, lettering on a vehicle advertising a business is indicative of a Commercial Vehicle; provided, however, that lettering located on a vehicle driver's or any door of a vehicle that would otherwise be considered a non-commercial vehicle shall not alone make such vehicle a Commercial Vehicle, if there are no other features which cause the vehicle to be considered commercial.

- f. Recreational vehicles such as motor homes may be parked in driveways of single-family homes for no more than three consecutive days during any thirty day time frame upon notification of KCSA or KMPD. Boats, jet-skis, and their associated trailers and utility trailers may be parked in driveways of single-family homes for no more than three consecutive days during any seven day period. Any such vehicles belonging to visitors and guests of residents must be registered with KCSA or KMPD. KCSA or KMPD shall have the discretion to extend any applicable timeframes provided that, in no event, shall any such vehicles be parked in excess of ten days during any sixty day time frame.
- g. The foregoing restrictions regarding Commercial Vehicles shall not apply to temporary parking of Commercial Vehicles in connection with construction use or providing pick-up and delivery and other commercial services nor shall any such restrictions apply to any vehicles of the Developer, the Association or the Kingsmill Resort. Service vehicles for repairs and/or construction may park on the Properties between the hours of 7 a.m. and 7 p.m., Monday – Friday, and 8 a.m. to 5:30 p.m. on Saturday, except in the case of emergencies. KCSA or KMPD must be notified in the event of an emergency.
- h. Except for those vehicles used by the Association or Developer to carry out its day-to-day operations and motorized wheelchairs or other devices to assist disabled persons, motorized vehicles, including but not limited to golf carts, are prohibited on Association trails and paths and on any Common Area or Limited Common Area. This prohibition shall not apply to the use of Low Speed Vehicles (see Association Trails and Paths) nor to normal licensed vehicular use on designated streets and lanes.

- i. The Association may cause any motorized vehicle, recreational vehicle, boat or trailer to be towed immediately at the sole expense of the owner of the vehicle or trailer if it is parked in a NO PARKING ZONE or fire lane, double parked, or otherwise blocking throughways, mailbox access or causing an emergency situation. The Association shall not be liable to the owner of any such vehicle or trailer towed for trespass, damage, or otherwise, nor shall the Association be guilty of any criminal act by reason of such towing. In cases of towing in which notice is required, once notice is posted, neither its removal, nor failure of the owner to receive it for any reason, shall be grounds for relief of any kind. An affidavit of the person posting such notice stating that the notice was properly posted shall be conclusive evidence of proper posting.
39. **Children's Play Equipment.** All bicycles, tricycles, scooters, skateboards, swings and other play equipment, children's wading pools, baby strollers, and similar items shall be stored so as not to be visible from the streets or neighboring properties when not in use. When not in use, children's wading pools should be emptied to prevent mosquito breeding and drainage problems on the Lot or on neighboring properties. (See EPB Policies and Procedures)
 40. **Miscellaneous Equipment/Structures.** Any and all permanently affixed recreational/athletic equipment (e.g., basketball goals, play gyms, swing sets, play houses, trampolines, pools, hot tubs, tennis courts, putting greens, etc.), gazebos, pergolas, decks, patios, piers, dependency sheds and other similar equipment and structures must be applied for and approved by the EPB prior to installation. (See EPB Policies and Procedures). A reasonable noise and light level may emit from these features between the hours of sunrise to sunset.
 41. **Resident Contacts.** For health and safety purposes, all Owners are encouraged to provide KCSA or KMPD with the name, address and phone number(s) of persons to be notified in emergencies.
 42. **Sediment and Erosion Control.** Sediment and erosion control on all Lots shall be conducted in accordance with all applicable laws. See EPB Policies and Procedures.
 43. **Sale of Lots and Homes – Disclosure Packages.** Virginia law requires sellers of residential property to make certain disclosures to their purchasers both in the contract of sale and in the form of a disclosure package obtained from the Association. The Association charges a fee for providing such a disclosure packet. Upon request by an Owner or an Owner's agent, the Association will

provide a disclosure package and receive payment in accordance with and as required by the Virginia Property Owners' Association Act.

44. **Setbacks.** Setbacks on all Lots must be determined by the EPB. See EPB Policies and Procedures.
45. **Signs.** No sign of any kind may be displayed to the public view on any Lot except "For Sale" signs meeting the sign criteria of Kingsmill and approved "Builder Signs." The KCSA receptionist may be for additional information. No signs may be placed on the golf course. (See EPB Policies and Procedures)
46. **Solicitation/Pamphleteering.** Commercial, non-commercial, and political soliciting and pamphleteering is prohibited within the entire community of Kingsmill except as expressly provided below. Official publications of the Association and Parcel Advisory Committees are exempt from this rule.
 - a. **Political Solicitation.** No political candidate and no one representing any political candidate or political organization, resident or not, will be allowed to door-to-door canvass or campaign in Kingsmill.
 - b. **Charitable Solicitation.**
 1. Only Kingsmill residents can solicit for charity within Kingsmill.
 2. KCSA members wishing to solicit for a charitable cause only within their neighborhood/Parcel may do so without prior authorization.
 3. Any resident wishing to solicit for a charitable cause throughout Kingsmill needs to submit, in writing, a written request to the KCSA office at least three (3) weeks in advance of the proposed solicitation. The request must include the proposed time frame of the solicitation, the names of the proposed solicitors and a detailed explanation of what cause is being solicited.
 4. If approved, an authorization letter will be executed by the KCSA office. Solicitors will be limited to working from 9 a.m. to 7 p.m.
 5. A copy of the authorization letter granted by the KCSA office must accompany each solicitor and be presented to each household solicited.
 6. If appropriate, the applicant will write a brief article for the KCSA Bulletin outlining the solicitation program.

47. **Temporary Structures.** No structure of a temporary character (e.g., shack, barn, pen, kennel, run, stable, prefabricated structure or other temporary accessory building) shall be erected, used or maintained on any Lot or Parcel except as approved by the EPB in connection with construction or moving activities. (See EPB Policies and Procedures)
48. **Tents.** See EPB Policies and Procedures.
49. **Trash and Bulk Items.** All garbage and bulk items stored on the Properties shall be kept in covered containers, inside a privacy fence, shed, garage or other concealed or screened area. Trash containers shall not be kept in front yards, and if kept in side yards, they shall not encroach on the building setback lines or be visible from the street. Accumulation or storage of litter, refuse, bulk materials, building materials, garbage, trash, and dilapidated, discarded, or poorly maintained yard items of any kind shall not be permitted on any Lot. Trash and bulk item pick-up dates are posted in the KCSA Bulletin and on the KCSA website: www.kingsmillcommunity.org. Trash and yard debris must be placed at the edge of the driveway no earlier than 5 p.m. the night before the scheduled pick-up and must be on the curb by 7 a.m. on your trash day. Empty trash cans must be removed and stored by 8 a.m. on the day after trash collection. If there is a particularly large amount of garbage or items for bulk pick-up, the KCSA office must be contacted in order to arrange appropriate transport.
- a. Owners are responsible for the removal of some bulk items, including but not limited to tree sections, trunks, stumps and excessive yard debris. Yard debris may not exceed four inches in diameter and four feet in length and must be bundled and tied. Acceptable yard debris must be placed on the curb for bulk pick-up.
 - b. Limit of three bags of trash outside of the toter; each bag not to exceed 50 pounds.
 - c. The following items will not be accepted for trash or bulk pick up: remodeling material or demolition material, debris from tree removals or land clearing, tires, batteries (excluding household batteries), motor oil, paint cans, gas cans, lawn and mower engines/parts, propane tanks and bottles, items containing fuel or Freon (including refrigerators and freezers), hazardous waste, household chemicals, drums and tanks, asbestos-containing materials and medical waste.

- d. New Residents: One-time box pick-up and recycling information is included in the Welcome Package.
50. **Underground Utilities.** No water, sewer, gas, drainage pipe, television cable, electrical wire, or other similar transmission or utility line shall be installed or maintained upon any Lot or Parcel above the surface of the ground. The KCSA office must be contacted prior to any work to be done below ground to locate Association street lighting or other utilities. Owner or contractor must contact Miss Utility in accordance with state law.
51. **Utilities & Utility Area Screening.** All utilities and utility area screening must be applied for and approved by the EPB prior to installation. See EPB Policies and Procedures.
52. **Vegetation and/or Landscaping.** All vegetation and/or landscaping must be applied for and approved by the EPB prior to installation. See EPB Policies and Procedures.
53. **Window Treatments.** All curtains, draperies, window shades, window blinds and window hangings shall present a neutral palette when viewed from the outside of the building. No items on or in the windows shall be visible from the street. Flags, paper of any kind, bed sheets, blankets and foils are not permitted for use on windows. Window appliqués are not permitted. See EPB Policies and Procedures.
54. **Yard/Garage Sales.** Yard sales or garage sales are prohibited within single-family or multi-family residential neighborhoods, subdivisions, or parcels, and may only be permitted on Common Area with the permission of the KCSA Board of Directors, subject to applicable rules and regulations as the Board of Directors may adopt.

Revised 2019

Kingsmill Community Services Association

**POST OFFICE BOX 348
WILLIAMSBURG, VIRGINIA 23187
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KINGSMILL COMMUNITY SERVICES ASSOCIATION

ENVIRONMENTAL PRESERVATION BOARD POLICIES AND PROCEDURES

First adopted: October 2008

Revised and approved: December 12, 2019

Dear Kingsmill Homeowner,

Welcome to Kingsmill on the James. Kingsmill Community Services Association (“KCSA”), the governing body of the Kingsmill residential community, is dedicated to creating and preserving a residential community of the highest environmental quality, a community that blends harmoniously with nature. This requires a compatibility of architecture, landscaping and planning which can be achieved only through careful control.

As you prepare to build or make changes to the exterior of your property within Kingsmill, you will have the opportunity to meet with the Environmental Preservation Board (“EPB”). To assist you and ensure compliance, the EPB has implemented the following policies and procedures, in accordance with the Kingsmill Covenants, that encourage design excellence, with the goal of preserving and enhancing property values and fostering owner pride and satisfaction.

We sincerely hope that you will take the time to read these Policies and Procedures carefully and will file them away for safekeeping and future reference. These documents contain many provisions regarding restrictive covenants and architectural control. Additionally, nonresident Owners are responsible for making sure their tenants comply with these documents.

If you have any questions, you may contact the EPB coordinator at the KCSA Office at (757) 645-3454.

Sincerely,

The Environmental Preservation Board

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ARTICLE 1: INTRODUCTION

1.1 Purpose

All Owners of residential Lots and all residents of Kingsmill are legally bound and shall abide by the Kingsmill Declaration of Covenants and Restrictions as amended (the "Declaration"), Supplemental Declarations, as amended, for individual Parcels (each a "Supplemental Declaration" and, along with the Declaration, collectively the "Covenants"), the Kingsmill Community Services Association ("KCSA") Articles of Incorporation and Bylaws, these Environmental Preservation Board ("EPB") Policies and Procedures, and other applicable legal documents related to Kingsmill (all aforementioned documents collectively referred to hereinafter as the "Governing Documents"). These Policies and Procedures were adopted to facilitate the Environmental Preservation Board's ("EPB") review of applications for architectural improvements within the Kingsmill community.

These Policies and Procedures, in accordance with the Covenants, is the basis by which the EPB maintains the high standards of Kingsmill from initial home design and construction, through home additions and maintenance. Through systematic, uniform review procedures, the goal of the EPB is to encourage design excellence, preserve and enhance property values, and foster owner pride and satisfaction. The intent of these Policies and Procedures is to protect overall appearance, maintain the values of the community, and retain a good neighbor relationship.

Unimproved real property owned by Escalate Kingsmill Resort LLC and/or Busch Properties, Inc. and their related entities, as well as all property located within the Kingsmill Resort are not subject to the Governing Documents or to these Policies and Procedures. To the extent not otherwise defined herein, capitalized terms shall have the meaning set forth in the Covenants. Non-resident Owners are responsible for ensuring that their tenants and guests follow these Policies and Procedures and the Governing Documents.

1.2 Authority

Article V, Section 3 of the Declaration provides that no improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work which in any way alters the exterior of any property or the improvements located thereon from its natural or improved state existing on the date such property was first conveyed in fee by the Developer to an Owner shall be made or done without the prior approval of the EPB, except as otherwise expressly provided in the Declaration. Accordingly, by resolution, the Board of Directors of KCSA and EPB adopted the following Policies and Procedures to facilitate the EPB's review of applications. Owners are cautioned that the Environmental Preservation Board Policies and Procedures are guidelines only, and, subject to the terms and provisions of the Declaration. The EPB may exercise its sole discretion in determining whether to approve or disapprove any applications.

1.3 Governing Documents

These Policies and Procedures should be reviewed together with the Covenants and the other Governing Documents. If any provisions of these Policies and Procedures

conflict with the terms or provisions of any Governing Documents, the terms and provisions of the applicable Governing Documents shall control. Owners contemplating the submission of an application to the EPB are urged to take special notice of Article V (“Architectural Control”) of the Declaration and the Supplemental Declaration for each Parcel.

1.4 Previously Approved Improvements

If an Owner has previously obtained EPB approval for improvements on such Owner's Lot, which improvements would be rendered non-conforming under these Policies and Procedures, such prior EPB approval will continue in full force and effect as to those improvements previously approved to the full extent of such previous approval; provided, however, that the requirements of these Policies and Procedures must be met at the time, if any, that such non-conforming improvements are replaced unless the Owner of such Lot obtains a variance pursuant to Section 3.7 of these Policies and Procedures.

1.5 Parcel Specific Guidelines

Each Lot within Kingsmill is located within a Parcel (as defined in the Declaration). Each Parcel is subject to a Supplemental Declaration which contains Parcel specific covenants and restrictions. In many instances, particularly in the Multi-family Parcels, the EPB and the KCSA Board of Directors have developed EPB guidelines that are specific to such Parcel. Owners who are contemplating submitting an application to the EPB should review and comply with these general Policies and Procedures together with any Parcel guidelines specific to the Parcel in which their Lot is located. Parcel specific information is addressed in Article 9 of these Policies and Procedures.

ARTICLE 2: ENVIRONMENTAL PRESERVATION BOARD (EPB)

2.1 Legal Framework

Article V of the Covenants establishes the EPB. The EPB is responsible for regulating the external design, appearance, use, location, and maintenance of the properties within Kingsmill. The EPB is composed of KCSA representatives and several property Owners. The KCSA Community Standards Coordinator is responsible for monitoring covenant enforcement for KCSA in accordance with the covenant enforcement policies and procedures adopted by the Board of Directors from time to time.

No improvements, additions, alterations, repairs, change of paint colors, excavations, changes in grade, landscaping, fences or other work/enhancements which in any way alters the exterior of any property or the improvements located thereon from its natural or improved state shall be made without the prior written approval of the EPB.

Therefore, the EPB has the absolute and exclusive right to reject any site, building or landscaping plans and/or specifications, which are not desirable in its opinion for any reason, including purely aesthetic reasons. In keeping with its authority, the EPB will act only in a manner designed to preserve the quality and harmony of external design of

proposed new structures, renovation or re-design, as they relate to the surrounding neighborhood. Visual impact of the structures from adjacent or neighboring properties will be evaluated, as well as basic curbside appeal from the standpoint of street traffic.

ARTICLE 3: EPB DESIGN REVIEW PROCEDURES

3.1 Owner Responsibility

Each Lot Owner and resident within Kingsmill is responsible for complying with the Governing Documents. Any Lot that is not current with assessments, has violations, or is not in compliance with the Governing Documents may not be considered. **Any proposed improvements/changes/enhancements to be made to an Owner's Lot requires the Owner to receive written EPB approval prior to making the improvements.** The Owner is responsible for all work done to his or her property, whether the Owner or Owner's contractor (or subcontractor) is performing the work.

3.2 Owner Responsibility - Compliance with Other Applicable Laws

In addition to EPB approval, each Lot owner is responsible for obtaining all applicable approvals and permits as required, including but not limited to James City County Building permits, approval from James City County Engineering and Resource Protection Division, etc., and for constructing any changes to the Lot in a manner that complies with all applicable regulations.

3.3 EPB Meetings and Deadline Information

The EPB meets approximately twice monthly on Tuesdays at 2 p.m. at a location designated on the KCSA calendar at www.kingsmillcommunity.org. During these meetings, the EPB reviews applications submitted on the appropriate forms, supporting drawings, and required information. For an application to be placed on the agenda, it must be complete, including all required additional information, and submitted to the KCSA office two weeks prior to the next scheduled EPB meeting. Meeting dates are posted in the Kingsmill Bulletin. The EPB reserves the right to cancel meetings if necessary, without notice.

3.4 Preparation of Submittals

The Lot Owner is required to submit an EPB application and obtain approval for ALL exterior changes prior to the commencement of work on the property.

Most applications are subject to the "Good Neighbor Policy." In this case, the completed application must be submitted a minimum of 14 days prior to the desired EPB meeting date to provide time for the mailing of a "Good Neighbor Policy Letter". Such items requiring notification include, but are not limited to, expansion of the existing footprint or roofed area, a new house, additions, fences and gates, dependencies, landscape changes, hardscape changes, changes to prototypes, material and color changes and play gyms.

If a Lot Owner or his or her builder or designer are not familiar with Kingsmill procedures and design standards, a conference with the EPB Coordinator or Chairman is highly

recommended. This can prevent misunderstandings and costly delays. A conference may be arranged by contacting the EPB Coordinator at the KCSA office at (757) 645-3454.

3.5 EPB Review Basis

The EPB reviews each application based on:

- (a) Compliance with the Governing Documents and any restrictions and notes on the relevant plats;
- (b) These Policies and Procedures and any other policies that may be adopted by the Board of Directors from time to time;
- (c) Aesthetic consistency within the Parcel or neighborhood (precedence's within the community are not automatically approved and each submission will be considered on a case by case basis); and
- (d) The impact to the Kingsmill community.

The EPB reserves the right to require modifications to proposed designs, including deletion, addition, or relocation of design elements, in order to achieve compliance with these policies.

The applicant or his/her representative is encouraged to attend the meeting during which the application is reviewed by the EPB to answer any questions that may arise, however, applicants are not required to be present.

3.6 EPB Review Decisions

An application is approved when notice is given to the applicant in writing by the EPB. Following the EPB review meeting, KCSA will communicate with the applicant within 3 days with one of the following decisions:

- (a) **Approved as submitted.**
- (b) **Approved with changes.** The EPB may provide suggestions for revisions but does not provide design solutions. A new application with suggested revisions will be required.
- (c) **Disapproved:** Reasons for disapproval will be given in writing. A disapproved action requires the application to be resubmitted before any approval may be granted.

Concept Submissions: Concepts submissions will be reviewed on the following basis:

1. Additions outside of existing footprint
2. Request for variances on Landscape Protection Zones (LPZ), sight lines, etc.
3. Consistent with supplemental Governing Documents

Except for new construction, additions and major improvements, approvals are good for 180 days from the date of the written notice to applicant; however, if application is being made to cure a violation on the Lot, the work to cure must be done within 30 days to avoid further due process. This may be extended with prior EPB approval.

3.7 Variances

The EPB shall have the authority to grant variances from the strict application of the Policies and Procedures in circumstances where (a) the strict application of the Policies and Procedures would create a hardship with respect to an Owner's use of his/her Lot and (b) the structure or other proposed architectural feature would comply with the spirit and intent of these Policies and Procedures and would not violate the provisions of the Covenants. Requests for variances will be reviewed on a case-by-case basis and each case will stand on its own facts, regardless of whether similar variances have been previously approved for others under similar facts. Owners are advised that the EPB supports the application and enforcement of the Policies and Procedures and, therefore, variances will not be routinely granted.

3.8 Appeal Process

Should an application be disapproved and the applicant feels that the submittal was misinterpreted, they should contact the EPB Coordinator to discuss the application. If the Coordinator agrees that a second review is in order, the application will be placed on the agenda for the next meeting.

If an applicant does not agree with the EPB's decision, the applicant can appeal to the KCSA Board of Directors provided the Owner files written notice of such appeal with the Secretary within ten (10) days of the dated letter of the EPB's decision. Upon the filing of any such appeal, the Board shall schedule a hearing after at least ten (10) days written notice to the Owner stating the time and place of such hearing. At any such meeting, the Board may reverse or modify such decision by a two-thirds (2/3) vote of the Directors.

3.9 EPB Review Fees and Bonds

(a) NEW CONSTRUCTION REVIEW FEE

KCSA charges a fee for the EPB to review an application for new home construction, payable at the time of the initial submittal of such application. This fee (hereinafter the "New Construction Review Fee"), shall be applied to the clerical administration, architectural and engineering fees as applicable.

(b) NEW CONSTRUCTION CONFORMANCE BOND

KCSA collects a Conformance Bond at the time of the initial submittal of an application for new home construction as a deposit and partial assurance that the homeowner/builder will comply with the requirements of the Covenants and these Policies and Procedures during new home construction. Specifically, this bond (hereinafter the "New Construction Conformance Bond") will serve as partial assurance that the erosion and sediment controls are installed and maintained, the Lot is kept clean of trash and debris, and drainage ditches and other improvements are operable, maintained and restored to their proper conditions after construction is complete. Further, this bond serves as partial assurance that all rules stated in Article V ("Architectural Control") of the Declaration and the EPB Policies and Procedures are adhered to during construction. At the end of construction and upon application for a refund of the New Construction Conformance Bond, the EPB shall inspect the homesite and if the construction conforms to the documents approved by the EPB and the homesite is considered satisfactory, the bond will be promptly refunded.

(c) MAJOR IMPROVEMENT REVIEW FEE

KCSA charges a fee for the EPB to review an application for "Major Improvements" (as hereinafter defined) to a Lot on which is situated an existing home. This fee is payable by check and is due at the time of the initial submittal of such application for Major Improvements. "Major Improvements" are those improvements to a Lot or an existing structure on a Lot which satisfy one or more of the following criteria: (i) consist of a room addition including enclosing porches or the addition of roofed areas or the construction of accessory building(s), gazebos or other major site improvements such as swimming pools; (ii) cost in excess of \$10,000 to construct; or (iii) are improvements for which the EPB believes, in its discretion, it needs to engage an architect to assist it with its review of the application. This fee (hereinafter the "Major Improvement Review Fee"), shall be applied to the clerical administration, architectural and engineering fees as applicable.

(d) MAJOR IMPROVEMENT CONFORMANCE BOND

KCSA collects a bond at the time of the initial submittal of the application for a Major Improvement as a deposit and partial assurance that the homeowner/builder will comply with the requirements of the Governing Documents during improvements to existing construction. Specifically, this bond (hereinafter the "Major Improvement Conformance Bond") will serve as partial assurance that all rules stated in Article V ("Architectural Control") and the EPB Policies and Procedures are adhered to during construction. At the end of construction and upon application for a refund of the Major Improvement Conformance Bond, the EPB shall inspect the homesite and if the improvement conform(s) to the application as approved by the EPB and is considered satisfactory to the EPB, the bond will be promptly refunded.

(e) MINOR IMPROVEMENTS

Applications for "Minor Improvements" (as hereinafter defined) do not require the payment of a review fee or the submission of a bond; however, Owners must still submit an application to the EPB and receive EPB approval prior to any work commencing on the Lot. "Minor Improvements" means those improvements to a Lot or an existing structure which do not qualify as "Major Improvements" as defined above. Examples of Minor Improvements include, but are not limited to, change in paint color or the addition of steps to an existing deck.

Schedule of Fees and Bonds

The KCSA Board of Directors established the following Fees and Bonds effective October 15, 2008:

TYPE OF FEE / BOND	AMOUNT DUE
New Construction Review Fee	\$1,000
New Construction Conformance Bond	\$2,000
Major Improvement Review Fee	\$500
Major Improvement Conformance Bond	\$1,000

All Review Fees and Bonds must be paid by check (payable to the KCSA) at the time the application is submitted and prior to the mailing of the "Good Neighbor Policy Letter" (if applicable). Review Fees are non-refundable and become the property of KCSA upon submittal. Checks for Bonds will be deposited in a KCSA account, may be co-mingled with other funds of KCSA, and will be refunded to the Owner in accordance with the procedures established in this section, provided the improvements comply with the approved application and any conditions imposed by the EPB in approving the application. In the event an Owner fails to satisfy the conditions imposed by these Policies and Procedures or by the EPB in approving the application, KCSA may retain such Bond which will become the property of KCSA if the Owner has failed to satisfy such conditions within 10 days after the date KCSA notifies the Owner in writing that such Bond will be forfeited.

ARTICLE 4: GENERAL POLICIES

4.1 Good Neighbor Policy

(a) Single Family Home Parcels

When any new house or exterior modification is requested which increases the footprint or extends toward or may be visible to an adjacent property, the EPB will notify those Owners of Lots which the EPB believes will be substantially impacted by such improvements if the application is approved. Such Owners will be provided with a minimum of 10 days from the date of the notice letter to review the application and provide comments to the EPB. These Owners have the right to submit written

comments about the application. The EPB will consider any comments submitted in writing when making its decisions. In determining which of the neighboring Lots will be impacted by the proposed improvements, the EPB will take into account the surrounding Lots and other facts that the EPB deems relevant on its sole and absolute discretion. Owners who desire to be notified of applications by email may make a written request to KCSA to be notified by email and such request shall include the Lot Owner(s) name(s), address, zip code and a specified email address to be used for notification purposes.

(b) Multi-family Parcels

When any exterior modification or addition (including a prototype) is requested for a Multifamily Parcel, the EPB shall provide a copy of the application to the Parcel Advisory Committee for the Parcel in which the Lot is located. The Parcel Advisory Committee (PAC) may provide comments and recommendations on such applications provided such comments and recommendations are delivered to the EPB within ten (10) days of the EPB's provision of such applications to the PAC. The EPB may reject or accept comments from the PAC.

4.2 Landscape Protection Zones

Landscape Protection Zones ("LPZs") are areas specifically designated on the subdivision plat(s) of the Parcel as land areas to preserve green space. Structures, hardscapes, fences and tree removal are restricted in these areas.

4.3 Miscellaneous Easements/Restrictions

Owners are responsible for ensuring that any improvements to their Lots comply with all easements and restrictive covenants affecting the chain of title for such Lot, including, without limitation, scenic easements and utility easements. For example, some Lots in Kingsmill are subject to a scenic easement benefiting the National Park Service. Owners of affected Lots should carefully review the terms of such easements to determine the location of the easement area and the scope of any limitations imposed. Should approval be given by the EPB for placement of structure(s) over easements (such as fence or driveways), all responsibility for damage of the said structure, due to necessary access to easement, rests with the homeowner, as the easement holder will not be responsible for restoring the area to the original condition after access.

4.4 Chesapeake Bay Preservation Act

In addition to obtaining EPB approval, Owners must ensure that any work to be performed within a Resource Protection Area ("RPA") (as hereinafter defined) is approved by the James City County Engineering and Resource Protection Division prior to commencing any work whatsoever within any RPA on their Lot. James City County Environmental Division regulates and enforces all restrictions pertaining to the Chesapeake Bay Preservation Act. Specifically, the James City County Chesapeake Bay Preservation Ordinance (Ord. No. 183, 8-6-90) (the "Ordinance") can be found at Chapter 23 of the James City County Code.

4.4.1 Resource Protection Areas (“RPAs”)

RPA’s are designated areas maintained in such a way as to preserve the natural environment of the Chesapeake Bay region, including water filtration and sediment control. Section 23-3 of the Ordinance defines a “Resource Protection Area” as “that component of Chesapeake Bay Protected Area comprised of land adjacent to water bodies with perennial flow that have intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.” RPAs include 1) tidal wetlands; 2) nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; 3) tidal shores; 4) a buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 3, and along both sides of any water body with perennial flow. In addition to EPB approval, any work requested in a RPA must also be approved by James City County Environmental Division prior to any work being done.

4.4.2 Violations and Penalties

Pursuant to Section 23-18 of the Ordinance, “any person who violates any provision of [the Ordinance] or who violates, fails, neglects, or refuses to obey any variance or permit condition authorized under [the Ordinance] shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed \$5,000.00 for each day of violation. Further, “with the consent of any person who has violated any provision of [the Ordinance], or who has violated, failed, neglected, or refused to obey any variance or permit condition authorized under this chapter, the county may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. In addition to, and not in lieu of, the penalties described above, the County may apply to the circuit court for an injunction against the continuing violation of any provision of [the Ordinance] and may seek any other remedy authorized by law.

ARTICLE 5: BUILDING POLICIES

5.1 Owner Construction Responsibility

During construction, additions or major improvements, the Lot Owner is responsible for the work of his/her builder/contractor. It is the responsibility of the Lot Owner to insure that any damage to the road shoulders, drainage or adjoining Lots caused by his/her contractors is promptly repaired at Owner’s sole cost. **If an Owner wishes to make any changes to the initially approved plans, such changes must be submitted to the EPB for approval prior to any work being initiated on the proposed changes. Changes started or completed at the construction site without the prior written consent of the EPB will result in the work being removed and/or replaced at the Owner’s expense.** All buildings, drives, walks, landscaping, and other work originally submitted to and approved by the EPB must be completed within 12 months from EPB approval or clearing. This may be extended with prior EPB approval. The Owner shall

inform the EPB when clearing starts. In accordance with the Covenants, extensions may be granted by the EPB. Any approved changes to the original plans will be completed within the same timeframe, unless an extension has been granted in writing by the EPB.

5.2 James City County Compliance

There is the possibility of expansive soils in Kingsmill and particularly in the vicinity of the James River. All James City County requirements regarding expansive soils shall be complied with. All work must be in compliance with the James City County Building Codes and all necessary permits must be obtained in compliance with such Codes. Information regarding water or sewer line availability, grinder pumps, depths, etc. must be obtained from James City County.

5.3 Contractors and Maintenance Workers

In order to respect the rights of existing residents, construction activity should be limited to the hours of **7 a.m. to 7 p.m.**, Monday through Friday, and **8:30 a.m. to 5:00 p.m.** on Saturday. No radios may be played at levels that cause an unreasonable annoyance to adjoining Lots. Contractors shall not be permitted entrance to the community on Sundays, the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas or the day the holiday is observed, and at properties adjacent to the golf course during the Kingsmill Professional Golf Tournament to perform any work on Lots except for emergency repairs. Residents must notify the gate houses of any emergency repairs in order to allow contractor's entrance to the community on Sundays.

5.4 Home Foundation Standards

5.4.1 Foundations may not be placed on slopes greater than 20%. On uniquely shaped Lots the EPB may grant an exception. Cantilevered portions of buildings, post supports of decks, terraces, and patios may be allowed.

5.4.2 Owner is not permitted to build more than one home or dwelling unit per Lot. Private docks and/or boathouses are prohibited on waterfront lake Lots (Kingsmill Pond and Wareham's Pond). Other waterways (tidal and/or navigable) are controlled by the state, county and/or the Army Corps of Engineers, and therefore Owners shall obtain all applicable permits prior to submitting an application to the EPB.

5.4.3 Without prior approval, structures erected on residential Lots shall not be more than two full stories above the normal ground surface.

5.4.4 Variances. The EPB is not required to grant setback variances. The purpose of a variance is for a minor building setback adjustment to accommodate a new home. They are not for additions. Some Parcels have Parcel specific setback lines, and in these cases the Supplemental Declaration for the Parcel and/or the subdivision plat(s) for the Parcel will typically specify such setbacks.

Where the Covenants and/or the subdivision plat(s) for the Parcel are silent on setbacks the following will be used: Front – 40 feet, Rear – 30 feet, Side – setbacks must total a minimum of 40 feet (example: 15 feet on the right side and 25 feet on the left side.) At no time will an item other than a fence or driveway be permitted within 10 feet of any property line. (Note: Pursuant to the Declaration, the term “Parcel” is defined to “mean and refer to all platted subdivisions of one or more Lots which are subject to the same Supplementary Declaration,” and, therefore, the term Parcel includes all subdivisions within Kingsmill and is not limited to the Multi-family Parcels.)

5.5 Clearing Requirements

5.5.1 Clearing must be in accordance with the approved site plan. No trees over 6 inches in diameter measured at 2 feet above ground may be removed without EPB approval.

5.5.2 A rock base is to be put down in the driveway entrance immediately after clearing and the builder is responsible for keeping mud off the streets.

5.5.3 Debris log piles may not be left on the Lot. They are to be removed or sawn into lengths not to exceed 2 feet and neatly stacked behind the house, prior to completion. Firewood may be kept neatly on the property only if the house has a wood-burning fireplace, otherwise, all wood must be removed.

5.6 Erosion and Drainage Control

5.6.1 Erosion control, such as silt fences, straw bales, straw, matting, seeding or sod must be used to prevent the washing of earth into drainage ways, lakes and ravines, during and after construction.

5.6.2 If slopes resulting from site drainage are not at such an angle as to permit quality maintenance, they must be stabilized with appropriate ground cover or the slope adjusted by use of a retaining wall. **No site shall be graded or altered in any manner that would cause water to be diverted or collected and directed into or across a contiguous parcel of land including grass drainage flow along the front line.** Natural drainage patterns shall be respected and not interfered with so as to impede the normal flow of surface water.

5.6.3 Design and implementation of site work must provide for necessary drainage pipes and drainage ways, to insure stabilization and prevent future erosion. Provisions must be made for existing drainage courses and structures. No existing drainage structures may be tapped or altered without prior approval of the EPB. The Public Works Committee will review the plans and provide comments within ten (10) days from the date of the notification from EPB.

5.7 Road, Vehicle and Materials Storage Requirements

5.7.1 Construction material may not be placed or stored on the road right of way.

5.7.2 During construction, the EPB reserves the right to prescribe the ingress and egress routes utilized by construction vehicles, including those delivering materials, equipment and supplies. This also applies to the vehicles operated by construction personnel.

5.7.3 Construction vehicles shall not be parked in any area other than on the building site or on the Lot road shoulder. Vehicles will not be permitted to obstruct the traffic flow on any street within Kingsmill. Any damages caused by the construction vehicles will be the responsibility of the contractor to repair or replace.

5.7.4 Haphazard storage, parking and location of other equipment will not be allowed. The building site must be kept clear of paper and other debris and maintained, during the entire period of construction, in a manner that is not unattractive from the street, adjoining Lots, common areas, or golf course to include the Road right of way. Dumpsters and their placement must be approved by the Community Standards Coordinator.

5.8 Building Signs: No signs will be permitted on building sites except one sign in standard format approved by the EPB, which identifies the builder and the pertinent James City County building permit information.

5.9 Temporary Storage Units, Tents, Portable Lavatories and Other Structures: No structure of a temporary character (e.g., trailer, shack, barn, pen, kennel, run, stable, prefabricated structures, or other temporary or movable accessory buildings) or any other structure not approved by the EPB shall be erected or placed on the Lot, contiguous property or the right-of-way. This provision shall not apply to the overnight use of camping tents in the back yard of a Lot and/or the erection of tents of a temporary nature for special events, provided that camping tents be disassembled and stored after use and shall not remain up for any consecutive period in excess of 7 days or for more than 14 days in any 12 month period, and that tents used for special events shall not remain up for more than 5 consecutive days or for more than 10 days in any 12 month period. During the construction period, a portable lavatory should be installed on the Lot in compliance with these and other governing laws and regulations and approved by the Community Standards Coordinator.

ARTICLE 6: NEW HOUSE

As a minimum, one copy of each of the following drawings or samples shall be submitted with the application:

6.1 New House Submittals Required

6.1.1 Site Plan -- (preferably 1 foot by 10 inches)

- (a) All proposed structures and improvements, utility yards and driveway shown.
- (b) Dimensions, property and set back lines, easements, LPZs, etc. shown.
- (c) Topography, at 1 foot or 2 foot contours.
- (d) All trees over 6 inches in diameter and taller than 3' shown, with those to be removed marked with an "X".
- (e) If a sewer grinder pump is desired, the location of the grinder pump and grinder pump facilities must be labeled. Grinder pumps may require a variance from the EPB.

6.1.2 Elevations

- (a) Front, side and rear elevations of all structures to be completed on the site must have their finished floor elevations shown so that they relate, in scale, to the new finished grades at the building perimeters.
- (b) Front, side and rear elevations shall be shown, to scale, in full detail, including the proposed fenestration with the trim and brick moldings. Window grilles must be shown. The proper number of exterior stair risers shall reflect the proposed finished floor line to grade. Elevations shall be $\frac{1}{4}$ of an inch = 1 foot, 0 inches on standard sized paper used by architects and engineers (which is a minimum of 24 inches x 36 inches or 30 inches x 42 inches, respectively.)
- (c) Floor plans to scale with dimensions and material specifications to be provided.
- (d) All text must be legible and readable. Reversed copies are not acceptable.

6.1.3 Samples Samples of actual siding, brick and shingles, with color charts/chips must be provided with the application for EPB review.

6.1.4 Staking of Lot Field stakeout of Lot, showing corners of house, driveway entrance and corners, parking areas, all trees to be cleared, as well as drainage or erosion control measures (where applicable) must be performed.

The intent of the above request for information is to provide the EPB with enough information to determine the appearance, proportion and aesthetics of the proposed construction. The EPB may require additional information if, in its opinion, the data submitted does not sufficiently portray the intent.

6.1.5 Grinder Pumps Grinder pumps shall be installed in accordance with James City Service Authority ("JCSA") and not interfere with easements.

6.2 Razing of Existing Improvements

6.2.1 Lots should be cleared of all improvements, including but not limited to removal of driveway and foundation. Once a Lot has been improved, the Lot shall be maintained in accordance with KCSA Rules & Regs regardless of whether a structure exists or has been razed.

6.2.2 If a new home is to be constructed, then Lot owner must follow current New House requirements.

6.2.3 If reconstruction is due to casualty damage, see KCSA Rules & Regs ; Casualty.

ARTICLE 7: DESIGN STANDARDS

7.1 Architectural Style

7.1.1 Mixtures of architectural styles – See "EPB Review Basis".

7.1.2 To maintain diversity of architecture within single-family neighborhoods, (excluding patio homes) essentially complete duplications of exterior architectural design will not normally be permitted when both structures are either visually within range of each other or when they are both within the same Kingsmill neighborhoods.

7.2 Environmental and Energy Efficiency Considerations

7.2.1 The EPB is committed to safeguarding the environment and fostering opportunities for the construction of "green" buildings throughout Kingsmill. To that end, consideration will be given to applications and proposals that include environmentally friendly and/or energy efficient designs. As with all applications and proposals, the EPB shall make the determination as to the approval of these applications.

7.2.2 "Green" buildings and components thereof may include but are not limited to: EnergyStar qualified energy-efficient homes, qualified energy efficient

windows, qualified solar panels, qualified metal roofs, qualified skylights and qualified heating and cooling equipment.

7.3 Awnings

7.3.1 Awnings are not permitted on front elevations or over garage doors.

7.3.2 Awnings must be black, white, grey, brown, beige or olive, and a solid color fabric material to blend with the colors of the house. Linear valances must be used where prototypes exist requiring a linear valance to blend with the lines of the house.

7.4 Basketball Goals: Permanent and Temporary

7.4.1 Both sides of the backboard are to be painted a subdued, neutral color that would complement the house, such as beige, gray, medium brown, etc. (not white).

7.4.2 Clear acrylic backboards and glass backboards do not require painting and are allowed.

7.4.3 The pole is to be painted black or dark brown and kept in good condition.

7.4.4 Goals are generally to be centered opposite garage doors, unless a different location is approved by the EPB.

7.5 Bollards

7.5.1 Owners may use bollards to prevent vehicles from damaging their property in their road right-of-way. Bollards can be purchased at the KCSA office.

7.5.2 Bollards must conform to the placement policy below.

7.5.3 Placement Policy: Bollards shall be placed between 16 inches and 30 inches from the road, as measured from the closest bollard edge to the road and approximately 20 feet apart on severe curves or intersections and 30 feet apart on other locations.

7.5.4 Installation and Replacement Policy: Currently installed locust posts not on severe curves or intersections may remain, but must conform to the above placement policy. No other items are permitted on the right-of-way. Only the KCSA approved brown/white reflective, 4" by 4", bollard is authorized for use or replacement. Mixing of old locust post and bollards at the same location is prohibited. Specifications may be obtained at the KCSA/EPB Office.

7.5.5 Reflectors of any size and shape are prohibited.

7.5.6 4"x4"x5" Bollard Protectors, which slip over the bollard & slide to ground level, are to be the same approved brown color as the bollards.

7.6 Decks

7.6.1 All fascia boards, trim, railings, and lattice are to be painted/stained the color approved by the EPB or, if approved by the EPB, may be left natural.

7.6.2 If a deck is allowed to encroach into a setback, at no time will any roofed structure be constructed on this deck within the encroachment.

7.6.3 Deck posts must be either brick columns or solid 6 inch by 6 inch posts, generally screened with lattice of a minimum ½ inch slat thickness (1 inch total). Lattice shall be framed with a corresponding matching material.

7.6.4 Areas under decks used for storage must be screened with wood lattice, with a minimum ½ inch slat thickness (1 inch total). Lattice shall be framed with a corresponding matching material.

7.6.5 Composite deck materials may be approved for use as alternative decking and railing materials, as long as they correspond with the architectural style of the home.

7.7 Dependencies

7.7.1 Residences with detached garages will not be approved for an additional dependency or out building. Dependencies must be built to grade and will be single story. Height will be reviewed on a case-by-case basis as to how the structure relates to the home and surrounding structures. In addition to the home, no more than one structure will be allowed on a single lot such as a dependency or a detached garage.

7.7.2 Doors and windows should match those of existing residence and their opening not visible from any street or the golf course.

7.7.3 May be built on a brick foundation, a concrete slab, 6 inch by 6 inch post, or 12 inch by 12 inch column. Dependencies on skids or concrete blocks will not be allowed.

7.7.4 If structure is built on posts, reveal should not be greater than 18 inches. Landscaping or lattice may be required for adequate screening.

7.7.5 Location of windows will be approved on an individual basis. Windows will generally not face the street and may be limited with regard to neighboring property.

7.7.6 Depending on location and architecture, the dependency will not exceed 12 feet by 16 feet and cannot be any closer than 10' from the property line. The dependency cannot be built on an existing easement or in the LPZ.

7.7.7 Prefabricated enclosures conforming to the architecture and design of the Living Unit on the Lot will be considered on a case by case basis.

7.7.8 Dependencies may require screening, as determined by the EPB.

7.8 Driveways

7.8.1 Driveways, dual or single entrance, shall be exposed brown or gray aggregate, pavers, stamped concrete (such as Bomanite). Broomed or troweled concrete drives are unacceptable. Asphalt driveways are not allowed for use in Single Family subdivisions. Repairs to a previously approved asphalt driveway may utilize asphalt. All replacement driveways must comply with this Section. Gravel driveways previously approved under prior policies and procedures predating the adoption of these policies and procedures must be maintained in good condition.

7.8.2 Exposed aggregate concrete must be brown or gray.

7.8.3 Pavers or stamped concrete may be used at the discretion of the EPB provided the color of the materials coincides with the color scheme of the house.

7.8.4 The width at the property line shall not exceed 14 feet.

7.8.5 No Lot shall have more than two driveway entrances. Shared driveways are not permitted in the single family subdivisions.

7.8.6 At the street, a concrete swale or pipe must be used so as not to impede drainage along the road shoulder, regardless of the type of driveway used.

7.8.7 The driveway apron of a driveway at the street must have an arc with a minimum of a fifteen feet radius and be constructed of approved concrete material.

7.8.8 Driveway designs must be done with minimal disruption of natural grades. Brick or masonry walls at the ends of culvert pipes on driveway entrances are not normally allowed.

7.9 Dual Entrance Driveways

7.9.1 Must meet driveway requirements above.

7.9.2 All requests must be accompanied by an adequate landscape plan.

7.9.3 Dual entrance driveways may be considered on cul-de-sacs only when the proposed driveway will be located on a property that borders adjacent properties which are not buildable, such as an LPZ or other restricted area.

7.9.4 Driveways not on cul-de-sacs, may be considered for dual entrance driveways only on corner Lots or Lots that have a road frontage equal or greater than 150 feet.

7.9.5 The combined width of the two entrances (at the property line) shall be no greater than 28 feet.

7.9.6 The curved edge closest to the house of a dual entrance driveway as it passes the front door of the house shall be greater than the front building setback for the Lot. In no case shall the inside edge (farthest from house) dimension be less than 26 feet as measured from the property line. This is to avoid large expanses of concrete that can be seen from the road. Mitigating factors such as additional landscaping will be taken into consideration.

7.9.7 No dual entrance drives will be approved on Lots fronting on a severe curve.

7.9.8 No dual entrance driveway may come any closer than 15 feet from an existing driveway on an adjacent Lot or any closer than 10 feet from the property line of any adjacent unimproved Lot. The intent of this is to prevent driveways of adjacent Lots being too close together creating the effect of a large expanse of concrete, and to allow plenty of room for landscape screening between the driveways of adjacent Lots.

7.10 Exterior Surfaces

7.10.1 Exotic door colors, super graphics, and any surface material that tends to reflect light will generally not be permitted. Mirrors and artificial ornamental devices that are deemed by the EPB to be incompatible with the architecture will not be allowed on exterior surfaces, in the windows, or in the yard. (see EPB Review Basis)

7.10.2 Exterior materials or finishes with shiny plastic or metallic surfaces will not be approved or allowed on structures or in yards. (see EPB Review Basis)

7.11 Fences & Gates

7.11.1 Fencing is generally to be equal/less than 4 feet in height. Fences are to be behind the front building setback line. In some, very rare, cases a higher

fence may be approved by the EPB. Gates must match the fence in style & height.

7.11.2 Fences will only be allowed for a specific reason, such as a dog, children, etc. The intent in Kingsmill is to maintain open vistas. Fences may not be allowed, or placement restricted, on some Lots.

7.11.3 Fences will not be allowed on property lines and are generally approved within 2 feet of the property line. Placement of fences near property lines will be at the discretion of the EPB. This prohibition does not apply to those fences or walls constructed on Lots in the Multi-family Parcels as part of the overall design features applicable to such Parcels.

7.11.4 Landscaping may be required to screen any fence.

7.11.5 Coated black or dark green square mesh may be approved with a split rail fence if placed inside the fence and no higher than the top horizontal rail.

7.11.6 Electrified, chicken wire, chain link, lattice, plywood, vinyl/plastic material, or concrete block fences are not allowed. Alternate fencing materials will be reviewed on a case-by-case basis as new materials become available. Pre-fabricated and site assembled wood fences must be finished with wood protector stain or paint and must be maintained on an ongoing basis.

7.11.7 Fences will not be allowed in LPZs or golf course LPZs.

7.11.8 When fences are allowed, a single uniform style of fencing must be used. Mixing of different types of fencing is prohibited (i.e. split rail fence with picket fence).

7.11.9 Fences must be placed inside property lines to allow for maintenance.

7.11.10 Free standing fences will not be permitted.

7.11.11 Finished side of fence must face out toward neighboring property or right of way.

7.12 Firewood

7.12.1 Firewood must be stored in accordance with the KCSA Rules and Regulations.

7.12.2 If covered, firewood must be covered by a non-reflective earth-tone material in accordance with the KCSA Rules and Regulations.

7.13 Flag Display

7.13.1 Unless specifically prohibited or restricted by these Policies and Procedures, the displaying of the flag of 1) the United States, 2) the Commonwealth, 3) any active branch of the armed forces of the United States, or 4) any military valor or service award of the United States, will not require community standards approval other than as outlined herein. Flags of a festive nature (birthdays, college, the arrival of the new baby, the holidays) which are of a temporary nature, will also not require prior approval as long as they are removed on a timely basis and displayed according to these standards set forth. The display of other flags, banners, and bunting, including flags of other nations will require prior approval by the EPB.

7.13.2 The flag of the United States shall be displayed in accordance with the U.S. Flag Code of 1942 as amended and the Freedom to Display the American Flag Act of 2005. All flags, regardless of type, shall be kept clean, bright, and shall not be tattered or torn.

7.13.3 Staffs: Flags must be displayed from staffs or poles specifically designed for that purpose. Flag size shall not exceed 4 feet by 6 feet and shall be in proportion to the staff or pole on which it is displayed. Staffs must be temporary, permitting easy removal and storage in the event of inclement weather. Staffs must be constructed of non-ferrous materials to avoid rust and corrosion. Polyvinyl Chloride Plumbing pipe ("PVC") is not acceptable.

7.13.4 Location and Attachment: Staffs shall be attached only to private dwellings, not higher than 6 feet from ground level and within property lines. Brackets supporting staffs shall be attached in a secure manner (through the siding on frame houses into the studs, and masonry anchors on brick structures). If Owners are uncertain about attachment, they should seek professional assistance due to the potential dangers associated with the incorrect mounting of staffs. Staffs shall not be attached to trees, or street lighting and mailboxes unless approved by the EPB. Flags shall not be displayed in limited common areas without EPB approval as appropriate.

7.13.5 Improper Display: The displaying of flags in a manner that would discredit the flag of the United States or in a manner inconsistent with any provision of Chapter 1 of Title 4 of the United States Code, or any rule or custom pertaining to the proper display or use of the flag is prohibited. Parties displaying flags or banners that may cause conflict with a neighbor or others within the community due to the subject matter depicted by the flag or banner shall be required to remove it immediately.

7.14 Garages

7.14.1 Generally garages should be visually played down in architecture. Where site conditions permit, garages **must** be entered from the side or back of the house. On some sites it may be necessary to enter a garage from the front (generally only cul-de-sac Lots). The garage must be properly detailed and landscaped with the intention of screening parked cars and the garage doors as much possible.

7.14.2 Some colonial style homes were originally constructed (pre 1985) without garages. In these cases, the EPB may allow a detached front-loading garage. Garage is to be placed behind the front building line no closer than 10 ft. from the property line. Landscape plantings may be required to provide screening as determined by the EPB.

7.14.3 Windows on any garage doors require EPB approval. Transom windows over garage doors may be permitted where the architectural concept and aesthetics complement the style of the structure. Where transom windows are permitted, no garage door hardware or interior ceiling storage shall be visible from the exterior. Windows on the front elevation of side load garages shall have screening (i.e. curtains or blinds) so that garage contents are not visible from the street.

7.14.4 To enhance the aesthetics of the neighborhood, garage doors shall be kept closed when the garage is not in use.

7.14.5 No Lot or house will be permitted to have garages housing more than four (4) single garage doors or two (2) double garage doors.

7.15 Gas Heating and Gas Fireplace Systems

7.15.1 Venting systems (combustion air, exhaust vents, etc.) projecting through roofs must comply with items in Roofing section).

7.15.2 Wall vents on exterior walls should extend through walls at an elevation below the bottoms of the first floor joists when finished grades and system configuration allow. It is preferable that vents extend through walls no higher than 3 feet above finished grade. Vents through walls must be limited to side and rear elevations only. Vents over garage doors are not permitted.

7.15.3 Exterior gas lines, furnaces and meters must be screened.

7.16 Golf Course LPZs

7.16.1 No fences, play-gyms, or structures of any kind are allowed.

7.16.2 No removal of trees, except those determined to be diseased or dying.

7.16.3 No planting will be permitted that will reduce neighboring property golf course views.

7.16.4 Owners of golf course Lots must take particular care to maintain their property and use it in a way that does not detract from the beauty or enjoyable use of the golf course.

7.17 Gutters and Downspouts

7.17.1 Gutters and downspouts may be approved on a case-by-case basis. Corrugated pipe, if approved, is to be securely and completely concealed under soil.

7.17.2 Gutters must compliment the colors of the home, and must adhere to the property maintenance standards.

7.17.3 Storm water may not be diverted to any neighboring property.

7.18 HVAC, Generator, Utilities and Utility Areas

7.18.1 All heat pumps, air conditioners, generators, trash and utility areas must be screened at all times either by fencing or dense shrubbery.

7.18.2 Trash receptacles, clothes drying apparatus and similar equipment must be kept in garages or screened enclosures as approved by the EPB.

7.18.3 The heat pump and utility area is to be to the side/rear of the house and screened prior to occupancy with either shrubbery or wooden fencing. Landscape shrubs appropriate for screening or wood fence screening to be installed at a height to screen the installed units.

7.18.4 Window air conditioners may only be installed with EPB approval.

7.18.5 All permanently installed telephone, electric and other utility lines and connections between main utility lines, and any and all structures on the Lot must be located underground.

7.18.6 Generally, no more than a combination of three Heating, Ventilating and Air Conditioning ("HVAC") units and Generator unit will be allowed along one elevation. All HVAC/Generator utility areas must be screened in the same manner. Design plans for Geo-Thermal systems must be approved by EPB in advance of installation and will not be permitted in any right of way or easements

7.18.7 HVAC, Generator and Utility Screen Fencing: Wood lattice boards with a minimum ½ inch slat thickness (1 inch total). Lattice shall be framed with a corresponding matching material. Application may also be made to the EPB for dog eared fencing (wood or PVC) of sufficient height to screen HVAC and other mechanical devices.

7.19 Landscape and Hardscape

7.19.1 Artificial flowers, grass, trees, and shrubs are not appropriate landscaping elements and will not be permitted.

7.19.2 Hardscape items, i.e. bird feeders, statues, benches, fountains, boulders, etc. will be considered in conjunction with the size of lot, set back restrictions, size of home, location, etc. on a case by case basis. Inappropriate hardscape items including but not limited to pink flamingos, gazing balls, twirling flowers, or similar items are not allowed. Exposed tarps should be of a neutral color.

7.19.3 “Changes or Additions” (as hereinafter defined) to landscaping require EPB approval and are subject to the Good Neighbor Policy. As used herein, “Changes or Additions,” means and includes: any changes to the size of an existing flower bed or the installation of additional flower bed(s); any changes to existing structures; the erection of new retaining walls and/or other structural improvements; landscaping to be installed as part of a screening requirement of these EPB Policies and Procedures or a condition of an EPB approval; any changes or alternations which change the character and nature of the flower bed and the type of plantings within such bed (for example, changing a flower bed from azaleas to cactus); and any other changes, alterations, or additions which, in the sole discretion of the EPB change the character of the previously approved landscaping plan for such Lot. No site shall be graded or altered in any manner that would cause water to be diverted or collect and directed into or across a contiguous parcel of land including grass drainage flow along the front Lot line.

7.19.4 Landscape plant materials should be of native varieties. They look best and they will have the best chance of survival.

7.19.5 All sprinkler systems must be approved by the EPB and installed as to not create drainage problems for neighboring property or road rights of way. Any damage to sprinkler systems located within the road right of way is the responsibility of the Owner.

7.19.6 Rain barrels and/or fire pits must be approved by the EPB and if approved, will only be permitted in areas not visible from the road.

7.20 Lighting: Exterior Home Lighting and Landscape Lighting

7.20.1 All exterior lighting plans must be approved by the EPB.

7.21 Mailboxes

7.21.1 Only the standard EPB approved mailbox/post will be allowed. EPB office has mailbox specifications.

7.21.2 Must be maintained with no rust, dents, mildew, etc.

7.21.3 Any landscaping around the mailbox post must not hinder drainage or obstruct the house number.

7.21.4 Located within 8 feet of the driveway apron.

7.21.5 Only standard brown post, white routed numbers, and black EPB approved mailbox units may be installed.

7.21.6 Attachments to mailboxes such as flagpoles require EPB approval. Decorative mailbox covers are not approved.

7.21.7 The standard EPB-approved mailbox is required for each single family home. Its location is subject to EPB approval.

7.21.8 Only one newspaper box is permitted, and, if installed, it shall be at the same level or below the mailbox. Specification for mounting are available from the KCSA office.

7.22 Miscellaneous Items

7.22.1 The following structures and objects may be erected and maintained on a single-family residential Lot only if they are, in the opinion of the EPB, architecturally compatible or adequately screened and approved:

- (a) Dog runs and houses for pets. Dog runs will be closely scrutinized relative to appearance and screening. Pet doors are not approved.
- (b) Storage buildings for equipment and materials
- (c) Detached outbuildings
- (d) Clothes lines
- (e) Exterior air conditioning equipment, or other mechanical equipment
- (f) Carports
- (g) Barbecue sets/grills
- (h) Sand boxes
- (i) Playhouses or other recreational equipment
- (j) Trash containers, and any other structures,
- (k) Utilitarian equipment
- (l) Objects determined by the EPB to be unsightly in nature and appearance.

7.23 Play-Gym Sets

7.23.1 Structural members are to be natural timber.

7.23.2 Slides, canopies, attachments, etc. are to be a solid color brown, tan, or dark green. No bright colors.

7.23.3 Play-gym is to be placed behind the rear building line and located in an area that can be properly screened, such as centered between the two rear corners of the house. Depending on Lot slope EPB may approve another location.

7.23.4 Play-gym, swings, etc. should not be visible from the road and screening may be required.

7.23.5 Trampolines should not be visible from the road and screening may be required.

7.24 Retaining Walls

7.24.1 Retaining walls will be permitted if they are well designed and constructed properly of approved materials, with an elevation exposure not to exceed 6 feet.

7.24.2 Approvable materials for constructing retaining walls include but are not limited to stone, brick, pressure treated lumber and cement block designed for the construction of retaining walls.

7.24.3 Cinder block or poured concrete without brick or stone façade are not acceptable.

7.25 Roofing

7.25.1 All plumbing vents, fan exhausts and other necessary roof equipment should be on the rear slope of the roof or otherwise screened from view from the street. All vents, exhausts, and other necessary roof equipment must be painted a color to match the roofing materials with a flat non-reflecting paint, generally, black or brown.

7.25.2 Flat rubber membrane roofs must be designed in such a manner and at such an elevation that the roof surface will not be visible from the street.

7.25.3 Standing seam tin or other metal roofs shall be painted and detailed as approved by the EPB. Copper roofs will be permitted on a case-by-case basis, however, they must be treated so as to make them non-reflective.

7.25.4 Roofing materials exposed to view or on slopes shall be of a permanent quality, such as wood shingles or shakes, slate, cement-asbestos, asphalt shingles of approved color and grade, or other suitable roof material.

7.25.5 Chimneys must be appropriate in size, scale, material and design to the style of roof and architecture. If exterior to the house they must be built to the ground.

7.25.6 Direct vented fireplaces through the wall shall be reviewed on an individual basis. Generally, they may not be readily viewed from the street, and if a corner Lot the secondary street.

7.25.7 Mixing of different styles and colors of shingles is prohibited.

7.25.8 If any portion of roof requires repair/replacement, the same style, quality and color of shingles must be used. If shingles are no longer manufactured or new shingles will not match in color, it may be necessary to replace the entire roof.

7.26 Satellite Dishes

7.26.1 Only dishes with diameters one meter or less will be allowed. While a formal application is not required, KCSA asks all Owners to fill out a Satellite Notification form available at the KCSA office.

7.26.2 The preferred location is ground mounted in the rear yard (see item a. below). However, the EPB will consider other locations in the order listed below. If an acceptable quality signal cannot be attained from the rear yard, work your way down the list. If other than item a. is selected, the EPB will require reasons and signal strength for the previous locations (i.e., if item d. is selected, reasons for not selecting items a., b., and c.).

- (a) Ground mounted -rear yard/deck
- (b) Ground mounted - side yard/deck
- (c) Roof/chimney mounted - rear
- (d) Roof/chimney mounted - side
- (e) Behind a window or skylight
- (f) Ground mounted along front foundation
- (g) Other locations on a case-by-case basis

7.26.3 Using vegetation/plantings dishes shall be screened from view as much as possible from any street and golf course. Dish total height (including mounting) should not exceed 51 inches.

7.26.4 They may be mounted in the home interior in a window, dormer, or skylight location if the satellite dish is not visible from any exterior location.

7.26.5 Screening of dishes can be provided in a form compatible with the existing home architecture. Landscaping in conjunction with other screening materials (lattice, picket fence, HVAC enclosure, walls, railings, etc.) is a consideration.

7.26.6 Dishes should be painted an appropriate neutral color (flat paint) that will blend in with the natural surroundings.

7.27 Siding and Trim Materials

7.27.1 Wood, composite/engineered wood materials, stucco, stone and brick are approvable for use as siding materials. Cellular PVC and solid PVC materials can be used on trim and accent areas. Plywood, metal and vinyl siding is not acceptable.

7.27.2 Similar materials may be approved for entire elevations of a surface and will not be approved to repair a single board or group of boards. Individual EPB approval is required.

7.28 Signs and Plaques

7.28.1 No signs or plaques of any kind shall be erected or displayed to the public view on or from any property, including the golf course, or the Common Areas with the exception of signs used by the Association for Association purposes.

7.28.2 During new home construction one builder sign which identifies the builder and James City County building permit. Specific sign specifications may be obtained through the EPB Office.

7.28.3 One "For Sale" or "For Rent" sign is allowed. Specific sign specifications may be obtained through the EPB Office. Sold signs, under contract, etc., are not allowed.

7.28.4 In the single family subdivisions, the mailbox post displays the address number. Cornerstone inlaid house address numbers may be approved by the EPB. Other types of address numbers may be approved by the EPB but must be attached to the structure around the front door. Only one set of house numbers attached to the structure will be allowed.

7.28.5 A decorative hospitality sign or plaque (not exceeding 256 square inches) may be attached in the immediate vicinity of the front entrance door way. This sign should be of neutral color and tasteful in content.

7.29 Skylights

7.29.1 Skylights generally will not be allowed on front facing roofs if the house is

traditional in style or if the eave falls within 40 feet of the property line.

7.29.2 Side facing roofs when seen straight-on due to curving street or corner Lot shall be treated as front facing roofs.

7.29.3 Exceptions may be made where mitigating factors are present; i.e. trees obscuring skylights or significant distance from road.

7.29.4 In cases where skylights are found to be warranted on front facing roofs of any house, every effort should be made to make them an acceptable architectural element of the house. They shall be centered on other roof or architectural feature or in relationship to other fenestration.

7.29.5 When approved, skylights must not contain reflective glass.

7.30 Sun Tubes

7.30.1 Sun Tubes will not be allowed on front-facing roofs.

7.30.2 Side facing roofs, when seen straight-on due to curving street or corner Lot, shall be treated as front facing roofs.

7.30.3 Generally, no more than two sun tubes shall be allowed per house. Placement should be as inconspicuous as possible.

7.30.4 Sun tube domes shall be of low profile design.

7.30.5 Sun tubes may be prohibited on homes in which the architectural style is incompatible.

7.30.6 Exceptions may be made where mitigating factors are present; i.e., trees obscuring sun tubes or significant distance from the road.

7.31 Solar Technology

7.31.1 Exterior solar technology will only be permitted on the rear or non-street facing roof elevations.

7.31.2 Solar panels should match the color of the roof and be as close to the roof line as structurally possible. As solar technology proliferates, solar panels should match the roof in color and texture, and be completely aligned with roof line.

7.31.3 Solar panel shingles should match the color and texture of the roof, and be integrated into the roof scheme. Solar panel shingles should only be applied to the rear or non street facing roof elevations.

7.31.4 Reflective solar paint is not recommended for homes in Kingsmill.

7.31.5 The EPB may limit amount of roofed area in which solar panel technology may be installed based upon overall visual impact.

7.31.6 Solar panels may not be installed in locations other than on the home roof structure.

7.32 Swimming Pools

7.32.1 Swimming pools should be of moderate size and must be sited with minimal disruption of natural grades.

7.32.2 Only screened in-ground pools are allowed and must have fencing compliant with the James City County Code.

7.32.3 Smooth or broomed concrete is not allowed, except for swimming pool decks or stoop deck provided it is inlaid surrounded by brick and cannot be seen from the street.

7.33 Tree Removal

7.33.1 No trees in excess of 6 inches in diameter measured at 2 feet above ground may be cut without approval of the EPB and possibly James City County Environmental Division. Tree removal will be reviewed on a case-by-case basis.

7.33.2 Generally tree removal may be limited on slopes greater than 20%. This restriction is designed to prevent erosion and preserve substantial trees, not to prevent selective clearings or to cause undue hardship.

7.33.3 Tree removal is prohibited within golf course LPZs unless the tree is certified to be diseased or dying. Documentation will be accepted only from a certified arborist (not a landscaper or tree service). Tree removal in LPZs is heavily restricted.

7.33.4 Tree stumps must be removed or cut/ground below grade within (30) days of tree removal. If tree removal is approved, consent will only be given to remove trees located on homeowner's property.

7.33.5 All wood must be removed from the property or cut to firewood length if the house has a wood burning fireplace. See section on Firewood.

7.33.6 In an emergency situation, a tree may be removed if it is a threat to life or property. The KCSA Executive Director shall be notified of the intent to remove such a tree; if after hours or weekends, notification shall be

made via KMPD. Within 5 days an application shall be filed with the EPB to document the removal of the hazardous trees.

7.33.7 Tree and Debris Removal: Storm Related

Tree "debris" is defined as and includes: root balls, stumps, trunks and limbs.

7.33.8 All debris on slopes of less than 20 percent must conform to the following guidelines:

- (a) Any storm debris must be removed off property or retained for firewood
- (b) Debris log piles may not be left on the Lot. They are to be removed or sawn into lengths not to exceed two feet, split and neatly stacked behind the house and, only then, if the home has a wood-burning fireplace (see the KCSA Rules and Regulations.)
- (c) Root ball/stump must be removed and hole filled in or up-righted in existing hole and cut to grade or ground down to grade
- (d) Disturbed area must be seeded and/or restored to original status

7.33.9 All debris on slopes of greater than 20 percent must conform to the following guidelines:

All trees and root balls on stumps 16 inches in diameter or smaller measured 2 feet from the base of the tree:

- (a) All debris must be removed off property or retained for firewood.
- (b) Debris log piles may not be left on the Lot. They are to be removed or sawn into lengths not to exceed two feet, split and neatly stacked behind the house and only if the home has a wood burning fireplace (see the KCSA Rules and Regulations.)
- (c) Root ball/stump must be removed and hole filled or up-righted in existing hole and cut to grade.
- (d) Disturbed area must be seeded and/or restored to original status.

All trees and root balls on stumps greater than 16 inches in diameter measured 2 feet from the base of the tree:

- (a) All limbs or portions thereof 8 inches and smaller must be removed off property.

(b) Limbs larger than 8 inches in diameter must be severed from the trunk and placed next to and parallel to the tree trunk.

(c) Tree trunks must be cut at the base of the tree and root balls covered/concealed with decorative foliage/ivy.

7.33.10 Additional Guidelines

Debris may not be disposed of in ravines, ponds or LPZs.

(a) Debris, when allowed to remain, must not impede drainage.

(b) Owners of properties are responsible to follow all applicable James City County Environmental Division requirements. Members of the James City County Environmental Division may be reached at 757-253-6670.

(c) Exceptions shall be determined at the sole discretion of the Kingsmill Environmental Preservation Board (EPB).

7.34 Windows

7.34.1 Artificial applications (such as tinting & stained glass) to windows should not detract from the integrity of good design and should not be colored or reflective.

7.34.2 Aluminum and vinyl clad window and sliding glass doorframe trim may be approved if appearance is identical to original window being replaced. Changes in window design with clad frames will be reviewed on a case-by-case basis.

7.34.3 Windows should be true to the architectural style of the home. Limit the architectural style of windows to one type when possible. Avoid, for example, using contemporary sliding glass doors with Colonial windows. Sliding doors designed to blend with the colonial windows will be reviewed on an individual basis. In any case, sliding colonial doors must be provided with grilles (divided lights).

7.34.4 All curtains, draperies, window shades, window blinds and window hangings shall present a neutral palette when viewed from the outside of the home.

7.34.5 Window openings and heights should relate to other design features of the house. Avoid the unplanned look of smaller bathroom or kitchen windows in visual conflict with windows of major scale. Pre-constructed aluminum, vinyl or wood, "box bay greenhouse" windows will not be permitted. Conventional construction of "greenhouse" windows will be reviewed on an individual basis, but in no case permitted on front elevations.

7.34.6 Windows approved with grilles/muntins must continue to display with grilles. Grilles removed for repair, painting, window cleaning or any other reason must be reinstalled.

7.34.7 Glass block when used in a compatible architectural style, in any structure either new construction or remodeling, shall install only factory assembled glass block windows and panels.

7.34.8 Bay windows should be built on foundations. On a case-by-case basis the EPB may allow cantilever bay windows on other elevations except the front.

7.34.9 Window boxes shall generally not be approved and in no event should they be approved shall artificial flowers or plants be permitted.

ARTICLE 8: GENERAL PROTOTYPES

Information regarding Single Family prototypes may be retrieved at the KCSA office.

ARTICLE 9: PARCEL SPECIFIC INFORMATION

9.1 Landscaping Policy

Any change to landscaping requires approval by the EPB. The EPB and Board of Directors have, in certain instances, approved specific guidelines for individual Parcels.

9.2 Prototypes

Over the years, standard exterior modifications called prototypes have been established for multi-family and single-family houses within individual Parcels. These prototypes are available for implementation by any member. However, EPB administrative approval is still required (i.e., filling out the appropriate form and submission to EPB). In addition, when a prototype is requested for a Multi-family Parcel, the EPB is authorized to submit the complete EPB package to the Parcel Advisory Committee for the Parcel Advisory Committee's review and recommendation. Information or specifications on the prototypes can be obtained from the EPB Office. Owners, prior to any construction, should determine that approved Parcel prototypes still conform to all current governing codes.

9.3 Policies and Prototypes

The Supplemental Declarations of Covenants and Restrictions for each Parcel are hereby incorporated by reference and shall be as binding as if set forth herein in full; provided, however, that in the event of a conflict between any provision(s) in these Policies and Procedures, Rules and the Governing Documents, the provision(s) set forth in the Governing Documents shall control.

Archer's Mead

Bench Policy
Converted Sunroom /Screened Porch
Deck Replacement
Exterior Lighting
Exterior Wood Repairs for Garage Units
Front Entrance Motion Sensor Lighting
Natural Gas
All Window Replacement
Roof Replacement
Storm Door (multi family)
Trash Enclosure Repairs

Burwell's Glen

Courtyard Gate
Roof Replacement

Burwell's Green

Awning
Courtyard Entry Gate
Decking
Mailbox Replacement
Sunroom Retrofit
Storm Door, (multi family)
Roof – Elk Prestique II High Definition 50 year Weatherwood only

Burwell's Landing

Piers/Dock
Specific Landscaping guidelines in Declaration

Harrop's Glenn

Deck Color
Exterior Paint Stain
Exterior Wood Repairs
Gutters and Downspouts
Mailbox Replacement
Roof – Timberline 40yr. Shadow Accent
Storm Door
Skylight

Littletown Quarter

Addition
Exterior Paint Stain
Fascia and Trim Board Replacement
Natural Gas Addendum
Roof Replacement
Storm Door (multi family)

Trellis Replacement
Trash Enclosure

Moody's Run

"C" Unit Window Addition
Courtyard Entry Gate
Exterior Paint Stain
Garage Door Replacement
Gutters and Downspouts
Interior Courtyard Siding Replacement
Motion Sensor Lights
Roof Replacement
Sunroom Retrofit
Street Lights
Storm Door (multi family)
Trim Replacement

Quarterpath Trace

Crawl Space Cover--Only Plexiglass
Exterior Lighting -- Only colonial lanterns
Foundation Vent Covers
Gas Piping for Gas Logs
Lighting
Motion Detector
Natural Gas Line Installation
Rear/Side Screen Doors
Roof Replacement
Storm Door / Louver Screen Door

River's Edge

Awning
Deck Gate
Dormer over Garage
Driveway Sealers
Exterior Paint Stain
Gutters and Downspouts
Lightning Protection – General Prototype
Storm Door
Roof Replacement

Wareham's Point

Awning
Chimney Caps
Courtyard Entry Gate (4 types)
Exterior Paint Stain

Front Entry Windows Addition
Gable Vent Replacement "D" Unit
Grinder Pump and Screening
Gutters and Downspouts
Hot Tub
Landscape
Rear Deck Gate
Roof Replacement
Skylight ("D" Unit only)
Sliding Doors and Windows Replacement
Storm Door, (multi-family)
Street Lighting
Sunroom Retrofit / Screen Porch Enclosure
Tree Replacement

Winster Fax

Awning
Deck Material
Driveways
Garage Door Replacement
Garbage/ Storage Door Replacement
Exterior Lighting – Decorative & Floodlight
Exterior Paint Stain
Hot Tub
Landscape
Landscape Lighting
Natural Gas Addendum
Roof Replacement
Siding and Trim Replacement
Sliding Doors and Windows Replacement
Storm Door (2 options)
Utility Screening

KINGSMILL COMMUNITY SERVICES ASSOCIATION

ENVIRONMENTAL PRESERVATION BOARD

SUPPLEMENTAL POLICIES AND PROCEDURES

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River Rock Policy (Effective July 28, 2022)	8

7.20 Lighting: Exterior Home, Landscape, and Outdoor Solar-Powered

7.20.1 Exterior Home Lighting plans under this section include all fixtures using electrical wiring. *Outdoor solar-powered lighting plans are located in 7.20.2.* This section includes wired lighting plans designed to illuminate walkways, driveways, patios, other outdoor areas, and exterior of home, deck, or garage.

In order to maintain aesthetic harmony among neighborhoods, EPB has selected the following **component requirements** as architectural guidance for approved exterior home lighting systems.

- a. Lighting must be task-oriented to assist with night visibility and enhance safety on walkways, driveways, patios, decks, porches, steps, and other areas. EPB will consider *uplighting*, used generally for aesthetic appeal, on a case-by-case basis.
- b. All lighting fixtures, used in an area and for the same purpose, must be uniform and of the same style. Mixed materials are not allowed. Lighting fixture style should be compatible with the home's architecture.
- c. Lighting fixtures must be shielded to emit only downward or outward light projection. EPB will consider *uplighting* on a case-by-case basis.
- d. Landscape lighting fixtures must not exceed 24 inches in height from the ground. Pole lighting is permitted, if approved by EPB.
- e. Lighting fixtures, except for lights over garage doors, on porches or decks, or under roof eaves, must be firmly fixed in the ground. No lighting fixtures, including for *uplighting*, may be affixed to trees or on rooftops.
- f. Light produced must be white, or soft white, only, no colored lighting allowed, except during holidays.
- g. Lighting fixture color types may be silver, brass, bronze, or black. Other colors will be considered on a case-by-case basis.
- h. Lighting projections must not intrude on neighboring property so as to create a nuisance to neighbors.
- i. Motion-sensing lighting fixtures are allowed and must adhere to all component requirements.
- j. Number of individual lighting fixtures must be reasonable and spaced appropriately apart based on size of illuminated area. EPB will determine these plans on a case-by-case basis. [Multi-family Parcel Advisory Committees may establish their own prototypes that specify the number and placement of lighting

fixtures.]. As guidance, *uplighting* fixtures, along the exterior front wall of homes, will not be allowed if closer than 14 linear feet from each other. *Uplighting* of trees in front yards will be approved only for one light fixture per tree with the lighting facing away from the street.

- k. Lighting output, or brightness, will be determined by EPB on a case-by-case basis. Light Emitting Diode (LED) light bulbs are preferred in Kingsmill because the technology is more energy-efficient and safer than traditional bulbs. As guidance, each individual *uplighting* fixture must not contain a bulb that exceeds 7 watts LED or 600 lumens of light output and 3000 Kelvin temperature. Other lighting, such as porches, decks, etc., must be lower wattage/lumens and not shine on neighboring properties.
- l. All *uplighting* must be turned off at 12 midnight. Other lighting (porches, decks, etc.), not including floodlighting addressed below, may remain lit later but homeowners must be considerate of causing annoyances to neighbors with excessive illumination.
- m. Floodlights, which are placed near garage doors or house walls under eaves, cannot exceed 150 watts incandescent/30 watts LED or 2000 lumens, must be directed downward and not shine on neighboring properties, and must be turned off at 12 midnight or placed on a motion-sensing device.
- n. Low-wattage accent lighting, such as string-type lighting, may be installed in back yards only, if approved by EPB on a case-by-case basis. Consideration will be given to brightness, bulb location, number of bulbs, and other factors. Multi-family parcels and other parcels with homes and decks in close proximity to one another may require more limited implementation. Homeowners must be considerate of neighbors when using these lights, which must be turned off at 12 midnight. This type of lighting may be used for a personal event for a maximum period of 24 hours without EPB approval.

7.20.2. Outdoor Solar-Powered Lighting. Outdoor solar-powered lighting uses photovoltaic systems to convert sunlight into electric current that powers lighting fixtures. In order to maintain aesthetic harmony among neighborhoods, EPB has selected the following **component requirements** as architectural guidance for approved outdoor solar-powered lighting systems.

- a. Lighting must be task-oriented to assist with visibility and enhance safety on walkways, driveways, and patios.
- b. Lighting fixtures must be maintained in good working condition and located firmly in the ground to illuminate only walkways, driveways, or patios. Any fixture tilting at an angle must be immediately straightened. Any fixture that is defective must be immediately replaced.

- c. All lighting fixtures, used in an area, must be uniform and of the same style. Mixed materials are not allowed. Lighting fixture style should be compatible with the home's architecture.
- d. Lighting fixtures must be shielded to emit only downward or outward light projection.
- e. Lighting fixtures must not exceed 24 inches in height from the ground.
- f. Light produced by outdoor solar-powered lighting must be white only, no colored lighting allowed.
- g. Lighting fixture color types may be silver, brass, bronze, or black.
- h. Lighting projections must not intrude on neighboring property so as to create a nuisance to neighbors.
- i. Motion sensing lighting fixtures are allowed and must adhere to all component requirements.
- j. Number of individual lighting fixtures must be reasonable and spaced appropriately apart based on size of illuminated area. EPB will determine these plans on a case-by-case basis. [Multi-family parcels may establish their own prototypes that limit the number and placement of lighting fixtures.]
- k. Lighting output, or brightness, will be determined by EPB on a case-by-case basis. As a guide, each individual lighting fixture must not exceed 25 watts incandescent or 400 lumens of light output. EPB may make exceptions in rare cases.
- l. Lighting fixtures with separated sunlight collection panels are not allowed.
- m. Solar-powered decorative or accent lighting for aesthetic purposes is not allowed.

PHOTOS OF TYPES OF FIXTURES ALLOWED



PHOTOS OF TYPES OF FIXTURES NOT ALLOWED



7.33 Tree Removal and Replacement

Kingsmill is committed to conserving natural amenities. Trees enhance the ambiance of Kingsmill. Our trees provide aesthetic beauty, increase home values, provide shade, serve as food and nests for birds and other animals, help purify air, and prevent erosion.

7.33.1

- a. Tree removal applications will be reviewed by EPB on a case-by-case basis. See tree replacement policy at 7.33.6.
- b. Homeowners must submit an application to EPB to remove any tree in excess of 6 inches in diameter, measured at 2 feet above the ground.
- c. Justifications for tree removal, such as diseased, rotting, leaning toward house, too close to house, roots causing damage, etc., must be provided in a narrative.
- d. If application requests removal of four or more trees at one time, homeowners must submit documentation from a tree specialist describing the conditions of each tree.
- e. Application must include photos with tree removal locations clearly marked (tape, ribbon, paint) on a plat or drawing.
- f. Plat or drawing must show that all trees planned for removal are on homeowner's property. Removal requests for trees on KCSA or Golf Course LPZs require written permission from property owners.
- g. Tree removal may be limited or restricted on slopes with grades greater than 20 percent in order to prevent erosion.
- h. EPB staff will make efforts to verify timely receipt of *Good Neighbor Letters* in applications where tree removal is at or near a neighboring property line.
- i. **The EPB-approved application must be given to the tree removal contractor before work begins.**

7.33.2 Tree stumps must be removed or ground below grade within 30 days of tree removal. Exceptions may be granted in heavily forested areas, on grades exceeding 20 percent, and where underground utility lines are present.

7.33.3 All tree cuttings must be removed from the property or cut to firewood length if the house has a wood-burning fireplace and firewood maintenance rules are followed.

7.33.4 Tree Emergencies. In an emergency situation, a hazardous tree may be removed if it is a direct and immediate threat to life or property. The KCSA Executive Director must be immediately notified of the intent to remove such a tree. After business hours or weekends, notification must be made to a KMPD supervisor. Within 5 days of tree removal, homeowner must file an application with EPB to document the hazardous tree removal.

7.33.5 Storm-Related Tree Debris Removal. Tree debris, which includes fallen trees, root balls, stumps, trunks, limbs, branches, and other similar materials, must be removed as soon after a storm as practical and safe.

A. Slopes with grades less than 20 percent: Debris removal must conform to the following guidelines:

- a. All storm debris must be removed off property or retained for firewood.
- b. Debris logs must be removed, cut into lengths not exceeding two feet, and neatly stacked behind the house, if the house has a wood-burning fireplace.
- c. Root balls/stumps must be removed or ground below grade and holes filled.
- d. Any disturbed areas must be seeded and/or restored to original status.
- e. Debris must not be disposed of in ravines, ponds, LPZs, or any KCSA common property.

B. Slopes with grades greater than 20 percent: Debris removal must conform to the following guidelines applicable to *trees or stumps greater than 16 inches in diameter*, measured at 2 feet above the ground (for *trees or stumps smaller than 16 inches in diameter*, measured at 2 feet above the ground, follow 7.33.5.A above):

Limbs smaller than 8 inches in diameter must be removed from property.

- a. Limbs greater than 8 inches in diameter must be severed from the tree trunk and may be placed next to the trunk.
- b. Tree trunks must be cut at the base and concealed with decorative foliage.
- c. Remaining debris must not impede rainwater drainage or cause it to flow onto neighboring property.

7.33.6 Tree Replacement. EPB favors a policy of planting new trees to replace removed trees based on the following guidelines that **apply only to single-family parcels**:

- a. Homeowner's property has fewer than 30 trees: For every four trees removed, homeowner must plant a minimum of one new tree within six months of removal. Type of tree (preference for species native to Southeastern Virginia), planting location, and size must be approved by EPB.
- b. Homeowner's property exceeds 30 trees: EPB will determine the tree replacement quota on a case-by-case basis.

7.33.7 Unauthorized Tree Removal. If a homeowner removes one or more trees in excess of 6 inches in diameter, measured at 2 feet above the ground, without EPB approval, and the removal does not involve an emergency situation as defined in 7.33.4, KCSA may impose charges consistent with the Virginia Property Owners' Association Act and require the homeowner to plant a replacement tree or trees. Type of tree or trees, planting location, and size must be approved by EPB.

River Rock Policy

EPB will review the proposed use of river rock, as part of a landscaping plan, on a case-by-case basis. River rock may be used, in conjunction with other lawn-related materials, such as mulch, groundcover, edging products, and others to assist with yard maintenance, especially related to managing stormwater flow drainage and soil erosion prevention. Use of river rock in Kingsmill landscaping must adhere to the following requirements:

- a. River rock usage as landscaping must be justified with a central purpose related to stormwater flow drainage management or soil erosion control, especially in installations that can be readily seen from the street. Use of river rock solely for any other purposes is not permitted.
- b. KCSA has a significant property interest in protecting its responsibility to oversee the Developer's stormwater drainage swales located in homeowner front yards within the KCSA road right-of-way/easement area. In reviewing a homeowner's application to place river rock in this area along the front yard, EPB will only approve when the homeowner can establish that other alternatives to address stormwater flow drainage management or soil erosion control have not been successful. [NOTE: This requirement only applies to KCSA right-of-way area along front yard close to road.]
- c. No river rock implementation shall cause stormwater drainage flow to be diverted onto any adjacent properties.
- d. River rock must be installed in a neat and professional manner.
- e. EPB review consideration will be given to river rock color, size, uniformity, placement location, and volume.
- f. River rock installations shall be limited to the volume of rock necessary to manage the stormwater flow drainage or soil erosion issues. River rock usage must be 1 to 4 inches in diameter and color may be gray, brown, or tan. Homeowners are not permitted to use gravel or small pebbles that interfere with lawn mowing in front yards near the street.
- g. Acceptable river rock applications used for stormwater flow drainage or soil erosion prevention in front yards include (1) mailbox area: square or circular pattern up to 48 inches in diameter on the ground directly under the mailbox near the street; (2) driveway sides: river rock used alongside a driveway up to 24 inches from edge of driveway.

- h. River rock must be maintained so that weeds, grass, and other natural materials do not grow among the rocks, and that leaves and other vegetation or materials are removed on a regular basis.
- i. Review criteria for applications may differ in multi-family parcels.

