

The Villages of Kiln Creek Owners Association Handbook

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on the Peninsula

CONTAINS:

Part I - Rules

Part II - Architectural Standards

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FOREWORD TO HANDBOOK

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

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

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

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

The motto of the Association is “to Enhance and Maintain a Community of Excellence”. The purpose of the Rules is to provide direction for Members to assist them in living within the Properties; the purpose of the Standards is to assist Owners in understanding how architectural standards apply when contemplating and designing a proposed Improvement. Adherence to the Rules, Standards and Governing Documents is vital to the community spirit of the Association, and ultimately leads to enhanced property values throughout Kiln Creek. (See pg. 22-23 for Enforcement Procedures)

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

This document supersedes and replaces the Kiln Creek Handbook Rules and Architectural Standards dated October 28, 2021. Please keep this Handbook in a convenient place so that you may refer to these documents when necessary. For any questions or comments, please call the Association’s office at (757) 877-9835. By becoming knowledgeable about, and abiding by the Rules and Standards, we all do our part to enhance & maintain Kiln Creek as a “Community of Excellence.”

VILLAGES OF KILN CREEK OWNERS ASSOCIATION

Part I:

RULES



SECTION I

INTRODUCTION (RULES)

1. **Authority.** Section 7.1(c) of the Second Amended and Restated Declaration of Covenants and Restrictions of the Villages of Kiln Creek Owners Association (the “Declaration”) provides that the Board of Directors of the Villages of Kiln Creek Owners Association (the “Association”) may adopt general rules, including, but not limited to, rules regulating potential problems relating to the use of property and that such rules and any subsequent amendments thereto shall be binding on all Members, except where expressly provided otherwise in such rule. By resolution effective January 25, 2024, the Board of Directors approved revisions to the rules governing the Properties, such rules, as amended, are set forth herein (collectively, the “Rules”).
2. **Governing Documents.** The Rules and the Architectural Standards (see Part II of this Handbook) shall be considered with the Second Amended and Restated Declaration of Covenants and Restrictions (“Declaration”), the Supplemental Declaration applicable to your Neighborhood, the Second Amended and Restated Articles of Incorporation of the Association (“Articles”), and Second Amended and Restated Bylaws of the Association (“Bylaws”) (collectively referred to as the “Governing Documents.”) If any provision of these Rules conflicts with the terms or provisions of any of the Governing Documents, the terms and provisions of the applicable Governing Document(s) shall control.
3. **Architectural Standards.** Section 6.5 of the Declaration provides that no Improvement (as defined in Section 6.2 of the Declaration) shall be constructed, erected, installed or maintained on any Lot or Parcel, nor shall any Improvement be altered, enlarged, demolished or removed in a manner that alters the exterior appearance (including without limitation paint color) of the Improvement of the Lot or the Parcel on which it is situated, unless the Application, Plans and construction schedule therefore (sic) have been approved by the Architectural Review Board (“ARB”). Pursuant to Section 6.6 of the Declaration, the ARB has established, and the Board of Directors has approved, certain standards known as the “Architectural Standards” to be used in considering whether to approve or disapprove plans for Improvements. These Rules are closely related to the Architectural Standards, and in many instances specific reference is made to the Architectural Standards for additional requirements and guidance.
4. **Neighborhood Rules.** Individual Neighborhoods may have rules that are more, but not less, restrictive than the Association.
5. **Definitions.** Unless otherwise indicated, defined terms used herein shall have the meaning set forth in the Governing Documents.
6. **Enforcement Procedures** begin on pg. 22-23.

SECTION II

RULES / USE OF PROPERTY

1. **Animals:** In recognition of the right of each resident to enjoyment of their Lots, the Common Areas and Neighborhood Common Areas, the following rules and policies are hereby established to minimize animal problems.
 - a. The maintenance, keeping, boarding, or raising of non-domesticated animals, livestock, poultry or reptiles of any kind, regardless of number, is prohibited on any Lot or upon the Common Area or Neighborhood Common Area. Keeping of orderly domestic pets (e.g., dogs, cats, or caged birds) without the approval of the Board of Directors, is permitted; provided that such pets are not kept, bred or maintained for commercial purposes.
 - b. When outdoors, pets must be leashed and accompanied by a responsible person who can control the pet. Pets may not be left unattended except while in a fenced private yard. Pet owners who want to install invisible, underground electric fences to keep their animals inside their Lot must file an application for exterior alteration with the Association's ARB. No pet may be leashed or tethered to any stationary object. **Pet owners are responsible for the immediate removal and proper disposal of animal waste.**
 - c. All Owners, or their residents, tenants, or guests, are solely responsible for ensuring that any pets kept or maintained upon the Properties are properly controlled by the pet's handler and do not cause any unreasonable disturbance or nuisance in the community. Any Owner, or their residents, tenants, or guests, who keeps or maintains any pet upon any portion of the Properties agrees to indemnify and hold the Association and each Owner harmless from and against any loss, claim or liability of any kind or character whatsoever arising by reason of keeping or maintaining such pet within the Properties. Any pets kept or maintained upon any portion of the Properties must be in compliance with all Federal, state, and local laws, regulations, or ordinances. **THE ASSOCIATION BEARS NO LIABILITY IN THE EVENT ANY DAMAGE OR INJURY OCCURS AS A RESULT OF ANY PETS KEPT OR MAINTAINED UPON THE PROPERTY.** In the event any damage or injury occurs, the Association defers any decisions regarding such animal to the proper authorities including any state or local law enforcement agency or animal control agency.
 - d. No pets shall be permitted on golf course and/or exclusive golf cart paths and/or pickleball/tennis courts.
2. **Association Property:** The Common Area and Neighborhood Common Area shall be used only for the furnishing of the services and facilities for which the same is reasonably suited and which are incident to the use and occupancy of the Lots. The improvements located on the Common Area and Neighborhood Common Area shall be used only for their intended purposes, except as otherwise expressly provided in the Governing Documents. No Owner shall make any private, exclusive, or proprietary use of any of the Common Area or Neighborhood Common Area. Common Areas include but are not limited to lake banks, water bodies, wooded areas, golf course, conservation areas, or any other property not owned by a Lot Owner. There shall be **no dumping** (such as grass, limbs, debris, garbage, etc.) on any Common Area or Neighborhood Common Area. If an Owner or an Owner's guest damages any Common Area, Neighborhood Common Area, or any equipment, property, or Improvements thereon, the owner will be held responsible for the cost of repairing such damage.
3. **Casualty:** Damage to property by fire, casualty, accident, or other cause must be promptly reported to the Association by any person having knowledge thereof. If a building or other improvement located upon a Lot is damaged or destroyed, the Owner thereof shall restore the site either: (i) by repairing or

reconstructing such building or Improvement (See “Maintenance” on pgs. 13-14); or (ii) by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Properties. Such work must be commenced promptly after the date of casualty and substantially completed no later than six (6) months after the date of casualty; provided, however, that any unsafe structure must be immediately secured. An extension may be granted by the Board of Directors, in its sole and absolute discretion.

4. **Vandalism:** Damage to property by vandalism on common property must be promptly reported to the Association and law enforcement by any person having knowledge thereof. Remediation of vandalism on personal property must be commenced no later than 30 days after the occurrence. An extension may be granted by the Board of Directors, in its sole and absolute discretion.
5. **Clothes Drying Equipment:** No clotheslines or other clothes drying apparatus shall be permitted outside an enclosed structure on any Lot. No portion of a Lot shall be used for the drying or hanging of laundry or the airing of clothes or other items unless such laundry or other items are located within an enclosed structure.
6. **Commercial Use:** Pursuant to Section 7.1(w) of the Declaration, no Lot shall be used for any business, commercial, manufacturing, mercantile, storing, vending or other non-residential purpose. An Owner may operate a home occupation and/or office located in the dwelling on the Lot if:
 - Such occupation/office generates no significant number of visits (as determined by the Board of Directors) by clients, customers or other persons related to the business;
 - No equipment or other items related to the business are stored, parked or otherwise kept on such Owner’s Lot or the Properties outside of an approved enclosure;
 - Such Owner has obtained approvals for such use as may be required by the City of Newport News or the County of York;
 - Such Owner’s home and/or office is operated in accordance with all requirements of applicable governmental ordinances.
 - If Owner elects to have a sign, it may be no larger than one (1) foot by one (1) foot, located near the main entrance of the dwelling. Application is required prior to installation, see pg. 18-19, “signs”.
7. **Drones (unmanned aerial vehicles):** Due to the close proximity of Kiln Creek to the Airport, recreational use of drones (unmanned aerial vehicles), is not permitted except if authorized by local, state & federal authorities. Please see <http://peninsulaairportcommission.org/drones> and <https://registermyuas.faa.gov>.
8. **Emissions:** There shall be no emissions of dust, sweepings, dirt, cinders, odors, gases or other substances into the atmosphere except for normal residential chimney emissions and no production, storage or discharge of Hazardous Materials on the Properties or discharges of liquid, solid wastes or other environmental contaminants into the ground or any body of water. See also, Section 7.1(j) of the Declaration. Normal amounts of BBQ grill/firepit smoke/emissions shall not be considered a violation, provided such grills are operated in accordance with the requirements of paragraph 13 below.
9. **Firearms:** Because of the density of homes in Kiln Creek, no discharge of firearms or other projectile weapons is permitted. Any and all city and county ordinances must be followed. This includes, without limitation, guns, rifles, paint ball guns, BB Guns, pellet guns, sling shots and archery equipment.
10. **Firewood:** Because of the threat of pest problems, firewood must be stored a minimum of six (6) inches off the ground. Firewood must be stored behind the rear foundation line of the dwelling on the Lot and stacked in a neat and orderly manner and shall not be stored in a manner that blocks access to

any door or throughway, or any Common Area or Neighborhood Common Area. Firewood shall not be stacked in excess of four (4) feet in height. Owners must clean and sweep Common Areas and Neighborhood Common Areas that have been littered due to the delivery of firewood. Consult the applicable Supplemental Declaration which may contain additional regulations. If firewood is to be covered, a neutral-colored tarp/covering must be used.

11. **Fireworks:** Fireworks are prohibited; except in instances of an Association fireworks display.
12. **Garage Doors:** To enhance the security of the community and aesthetics of the homes and streetscapes, garage doors should be kept closed to the maximum extent possible. It is the Owner's responsibility to keep the garage door in good repair.
13. **Grills/Firepits:** Except as provided in applicable Supplemental Declarations, use of portable barbecue grills/firepits or other outdoor cooking equipment is permitted on the Lots. Grills/Firepits shall be a minimum of 5 (five) feet from the property line. When in use, outdoor cooking equipment must be placed behind the dwelling, whenever possible, and positioned so that smoke will not disturb neighboring properties. Fires must be extinguished promptly after use. Permanent grills/firepits require approval from the ARB. If a grill/firepit is rusting, a cover is required. See Architectural Standards, Neighborhood rules, if any, and Supplemental Declaration applicable to your Neighborhood for further restrictions.
14. **Holiday/Seasonal/Temporary Decorations and Lighting:** Holiday decorations as used herein mean those temporary decorations and lighting associated with a particular national, state, local or religious holiday. These decorations may be displayed for up to thirty (30) days before and fourteen (14) days after the applicable holiday. Seasonal decorations may be displayed during the calendar year's seasonal dates. Inflatable decorations are permitted for holiday decorations only, not seasonal. Owners are urged to take care and exhibit consideration for their neighbors when displaying holiday/seasonal/ temporary decorations so as not to cause an unreasonable source of annoyance to occupants of neighboring property. Please contact the Association's office for special circumstances regarding holiday decorations.

Decorative lighting remaining longer than stated above requires an application. See pgs. 48-49 for standards regarding permanent decorative lighting.

Neighborhood Entrances (Common Areas and Neighborhood Common Areas). The Association encourages the display of decorations and our nation's flag at the entrances of the villages. Neighborhoods wishing to display any decorations or the flag within Neighborhood Common Areas located at the entrance to a Neighborhood must notify the Association and designate a point of contact who will be responsible for the placement, maintenance, and removal of such decorations and/or flags. Decorations and flags will not be affixed to the Neighborhood signs. All decorations must be placed in a manner that will not impede routine maintenance and will not adversely impact traffic sight lines. Neighborhood entrance decorations shall be removed within 7 days.

15. **Hoses/Sprinklers (non-permanent):** Except when in use, garden hoses shall be stored in a neat and orderly fashion. Hoses/sprinklers shall not be used as a permanent irrigation system. See pg. 57 "Sprinkler Systems/Irrigation" for more information.
16. **Lakes and Water Bodies:** As provided in Section 7.1(f) of the Declaration and subject to the use of the lakes for irrigation purposes by the Association, all lakes within the Properties are aesthetic amenities and no other use thereof, including, without limitation, swimming, boating, fishing, playing or use of personal floatation devices shall be permitted. Any of the above are considered trespassing. The City/ County are authorized to take enforcement action if necessary. No piers or docks shall be constructed on any portion of the lakes nor attached to the shorelines or banks thereof, except those approved by the

Board of Directors. All lakefront property Owners are to observe the easement around each lake that has been dedicated to the Association. No dumping is allowed along lake banks or into any lake itself. Please refer to the “Lakes and Snakes” bulletin from your disclosure package for more information. The Association shall not be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of the lakes within the Properties. **Owners are prohibited from trimming any vegetation on common property bordering the lakes.**

17. **Landscaping Care:** It is the Owner’s responsibility to keep all shrubs, trees, grass, and ground cover neatly trimmed, properly cultivated and free from all trash, weeds, and other unsightly materials. The Owner is also required to maintain the grass located behind fences on easements up to an Owner’s property line. No resident may seed, fertilize, mow, or otherwise disturb the area past the Lot’s property line; likewise, it is prohibited to plant invasive species of plants in a manner that will encroach on neighboring property. Examples of invasive plants consist of, but are not limited to: English Ivy, Japanese Honeysuckle and Purple Loosetrife. Artificial vegetation of any kind is prohibited. Shrubs, trees and grasses should be chosen by their height at maturity and be in proportion to the bed, lawn, home and lot. (Local nursery personnel are often knowledgeable and are usually willing to share their expertise regarding these areas.) The Association typically conducts lawn inspections following the weekends. If a Lot is not being maintained, and after notice has been given, the Association is permitted to go onto an Owner’s Lot and perform the maintenance at the Owner’s expense, per the Governing Documents.

- **Lawn Maintenance-** Overall, lawns shall have a generally well-groomed and maintained appearance. Grass shall be mowed on a regular basis. The height of the grass shall at no time exceed six (6) inches. During high growth seasons, mowing may need to be done as often as once a week. There shall be no weeds in the place of grass and there shall also be no bare spots in the lawn. Lawns that have either of these problems must be weeded and/or seeded during the next appropriate growing season. Watering is also important. Lawns should be watered enough to maintain a green, healthy appearance (however, city and county water regulations should be adhered to at all times). The area/edges where your lawn meets your house, driveway, walkway, fence, patio, or other obstruction shall be neatly trimmed and free of weeds. The Association may notify an Owner of the need for one or more of the following: (i) turf applications (weed control), (ii) soil preparation, (iii) aeration, (iv) seeding, (v) fertilizing, (vi) watering and (vii) any other steps necessary for the Owner’s lawn to be established. All driveways, walkways, patios, and other similar areas shall be kept free from all grass, weeds, debris or other materials. Residents, or those with lawn service contractors shall ensure that they do not blow grass clippings, branches, grass, or any debris down storm drains, into the streets, Common Areas, Neighborhood Common Areas or other Owners’ Lots.
- **Flowerbed Maintenance-** All flowerbeds, gardens, or other areas segmented from the lawn shall be well kept, free of all grass and weeds. Landscaping materials such as mulch, stones, blocks, bricks, etc. shall also be kept weed and mold/algae/fungus free and repaired/replaced if they are disjointed or broken. (See Architectural Standards pg. 47 for edging specifications.) If an area appears unkempt or fades into your lawn, you may be asked to have this area differentiated by either creating a distinct flowerbed or removing the plant material and seeding to encompass this area into your lawn.
- **Leaves:** The burning of leaves and other yard debris within the Villages of Kiln Creek is **strictly prohibited.**

Collection: At no time shall leaves or other yard debris be piled in streets for vacuuming and/or collection by the City of Newport News or York County, as neither locality collects un-bagged leaves in Kiln Creek. All local city or county ordinances for trash collection must be followed.

A Lot Owner shall not rake or blow leaves into a Common Area, Neighborhood Common Area or street. Un-bagged debris gets washed into storm drains and may clog up our lake system.

Removal: Leaf removal shall be done on a routine basis, especially during Fall months. Only clear bags shall be used and placed by the curb. In Newport News, bagged leaves are collected year-round as bulk trash every other week. In York County, from mid-November to mid-January, leaves are collected every other week. Please refer to both locality websites for up to date collection information.

Newport News: <https://www.nnva.gov/771/Solid-Waste-Collection-Schedule-Calendar>

York County: <http://www.yorkcounty.gov/795/yard-debris-collection>

Leaves are considered bulk trash and shall not be placed on the curb earlier than bulk trash times as described on pgs. 19-20.

- **Trees:** It is the owners responsibility to keep all shrubs, trees, grass and ground cover neatly trimmed, properly cultivated and free from all trash, weeds, and other unsightly materials. If a tree hangs over onto another owners property, it is the owners responsibility to maintain up to their property line, keeping the tree as aesthetically pleasing as possible. Trees shall be trimmed around streetlights and street signs. Owner is responsible for removing dead tree branches. Dead trees shall be applied to the ARB prior to removal for documentation purposes. If a dead tree is cited on your lot during a review, there is no need to apply prior to removal; so long as the tree removal complies with Architectural Standards on pg. 59.

18. **Leasing:** Section 7.5 of the Declaration contains restrictions governing leases of residential dwellings in Kiln Creek. All leases of dwellings in Kiln Creek shall be for one (1) year minimum. Only one lease per Lot is permitted and no portion of a dwelling (other than the entire dwelling) may be leased. No Owner shall lease a Lot other than on a written form of lease. Therefore, any type of “AirBnB/VRBO” type of listings/postings or any other short term rental marketing site/listing/posting that issues a temporary “license” or lease to third parties are strictly prohibited.

Kiln Creek requires:

- a. The lessee to comply with the Governing Documents and Rules (including, without limitation, individual Neighborhood rules).
- b. Failure to comply with the Governing Documents and Rules (including, without limitation, Neighborhood rules) constitutes a default under the lease. All absentee Owners shall promptly notify the Association of their new address, e-mail address, phone number and the name, work and home phone numbers of their tenants and Property Management Company, as applicable. It is the responsibility of the Owner to ensure that the required Tenant Information Sheet is completed, signed by the Owner, and returned to the Association prior to the tenant’s occupancy of the dwelling unit. Failure to do so shall constitute a violation of the Declaration and the Rules.

19. **Maintenance:** As provided in Section 7.2 of the Declaration, each Owner shall keep all Lots and Parcels owned by him and all Improvements thereon in good order and repair, free of debris, all in a manner and with such frequency as is acceptable to the Association and consistent with a first-quality development. Common maintenance items include, but are not limited to: painting the exterior of your home; cleaning/painting mailboxes; cleaning algae/mold/mildew on roofs, siding, fences, etc. See Exhibit A for a sample review checklist of more items viewed during reviews. In the event an Owner shall fail to maintain their Lot and the Improvements situated thereon as provided herein, the Association, after notice to the Owner and approval of the Board of Directors, shall have the right to enter upon such Lot to correct such failure. All costs related to such correction shall become a special assessment upon such Lot and as such shall be regarded as a special assessment with respect to lien rights and remedies of the Association.

- a. **Maintenance of Lots/Reviews:** The Association may conduct property reviews at any time. See Exhibit A on pg. 20 for the extended list of what is typically checked during such reviews.
 - b. **Maintenance of Lot During Exterior Construction/Remodeling/Renovation:** All Lots must be maintained free of debris during the course of construction. Adjoining streets must be kept cleaned of debris and mud. Building sites that maintain a portable toilet for the use of subcontractors working on the site should be located, whenever possible, near the side of the property and out of view. In no instance, shall a portable toilet be allowed to be located in the sidewalk, gutter or street. Lots served by portable toilets or dumpsters shall be dumped on a weekly basis and such portable toilets/dumpsters shall have prior approval from the Association. Construction activity must be limited to the hours of 7:00 a.m. to 8:00 p.m. No audio devices may be played at levels that cause an unreasonable nuisance to adjoining Lots.
 - c. **Construction, Remodeling and Renovation Restrictions.** The continuous observation of the following rules and regulations as they pertain to the performance of construction activity shall be mandatory for all contractors working within Kiln Creek. Specifically, in addition to those items previously addressed herein, each contractor, and their sub-contractors must observe the following:
 - 1) Each contractor shall maintain the exterior grounds and premises in a neat and clean condition, free of all trash and debris.
 - 2) No materials, except those that shall be incorporated into the project during a maximum of thirty (30) days following delivery, will be allowed on the exterior of the site. Those materials stored on site will be maintained in a neat order.
 - 3) Trailers, trucks, vans and portable storage containers carrying construction tools or materials must not be parked on the street or any Common Area or Neighborhood Common Area overnight. Dumpsters must be placed in the driveway. (See pgs. 15-17 for parking regulations.)
 - 4) Construction must be completed within six (6) months. Additional time may be granted on a case by case basis.
 - 5) Prior approval from the Association office is required for dumpsters and portable toilets so that the Owners may receive a permit from the Association for their use/placement. Please display this permit on the dumpster or toilet in an area that is visible from the street. (Such permit is in addition to other permits required by applicable laws and ordinances.) Each permit is valid for up to 90 days. If more time is needed, Board of Directors approval is required. At no time shall a dumpster or portable toilet be kept longer than 6 months.
 - 6) All construction material, scaffolding, ladders, dumpsters large bulk trash/debris such as Bagsters® and portable toilets shall be removed within seven (7) days after completion of work.
20. **Motorized Vehicles:** No motorized vehicles of any type shall be driven on the community trails, pathways, cart paths, Common Areas or Neighborhood Common Areas (other than streets and parking areas). The foregoing rules regarding motorized vehicles do not apply to the use of maintenance vehicles used by the Association, and Golf Club & Resort, or motorized wheelchairs or other devices to assist persons with disabilities. Pedestrians have the right of way in all instances. The foregoing rules do not apply to the golf course.

21. **Moving:** Move-ins and move-outs shall be conducted between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise approved by the Association’s Director of Operations. If leasing or vacating a dwelling, the Owner must provide the Association with his/her/their change of address in writing. Please be considerate and do not block driveways, trash cans or mailboxes. If any damage is done to any Common Area, Neighborhood Common Area, or other property, the moving Owner shall be held liable (See pg. 9 “Association Property”). Large moving vans and trucks may not remain overnight. U-haul type vehicles including but not limited to, trailer hauls/trucks/vans may remain on a lot for a maximum of three (3) consecutive days and you must notify the Association office prior to its arrival. See pg. 19 regarding portable storage (PODS).
22. **Multi-Unit Dwellings:** Rules for garbage and trash storage, storage and usage of grills and storage of firewood may be established by state law and the individual Neighborhoods for multi- unit dwellings provided such rules do not contradict or conflict with the Rules of the Association.
23. **Noise:** All persons present on the Properties shall comply with all applicable local noise ordinances and shall not permit or engage in any activity, practice or behavior that causes unreasonable annoyance, discomfort or disturbance to any other person(s) lawfully present on any portion of the Properties. Residents are encouraged to call local authorities to report such violations or occurrences.
24. **Neighbor-to-Neighbor Disputes:** Unless required by law, KCOA does not get involved with neighbor-to-neighbor disputes, including but not limited to property line, drainage or tree disputes. The Board of Directors shall make the sole determination whether a dispute is deemed “neighbor-to-neighbor”.
25. **Nuisances:** Section 7.1(a) of the Declaration provides that 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 Lot, Parcel, Common Area, Neighborhood Common Area, or on any part thereof, and the Association has authority to initiate legal proceedings to abate such activity. Residents are encouraged to call local authorities to report unlawful occurrences.
26. **Obstructions:** No person shall obstruct any of the Common Area or Neighborhood Common Area, or otherwise impede the rightful access of any other person on any portion of the Properties upon which such person has the right to enter. No person shall place or cause or permit anything to be placed on or in any of the Common Areas or Neighborhood Common Areas without the approval of the Board of Directors. Nothing shall be altered or constructed or removed from the Common Areas or Neighborhood Common Areas except with the proper written approval of the Board of Directors.
27. **Outdoor Recreational Group Activities:** In Common Areas and Neighborhood Common Areas, outdoor recreational activities may be permitted from sunrise to sunset in designated areas if approved by the Association’s Director of Operations. The Board of Directors may, in its discretion, consult the Neighborhood representatives, as applicable, regarding behavior rules, parking areas for bicycles and other play equipment (skateboards, etc.), and trash disposal. Any picnic tables in Common Areas and Neighborhood Common Areas are on a first come, first served basis.
28. **Parking and Vehicular Restrictions:**
 - a. If a Neighborhood has its own separate association with a separate board of directors, enforcement of such separate association’s parking and vehicular restrictions may be conducted by its board of directors or its management company. (See Exhibit 1 pg. 62 of this Handbook for a list of sub/associations.)
 - b. Parking in the Properties shall be restricted to personal vehicles and only within the driveways and parking areas designated for parking. Curbside parking within the interior streets of a

- Neighborhood in those portions which are not designated “No Parking” by corresponding signage and/or marking is permitted when the vehicle is parked so as not to impede traffic or block access to trash bins, mail boxes, stop signs and driveways and so as not to damage vegetation. Vehicles may not be parked within fifteen (15) feet of fire hydrants. No parking on lawns, Common Areas or Neighborhood Common Areas shall be permitted. Vehicles parked in such a way that blocks or creates a hazard for vehicles in a designated traffic lane are not permitted.
- c. Junk, derelict vehicles not in compliance with local or state laws or inoperable vehicles are prohibited. Any vehicle not displaying current registration plates and current city/county and state inspections is prohibited on any portion of the Properties unless enclosed in a garage. If during an inspection it is noted a vehicle is not current on its tags or inspection, a member of the Association staff will send a "reminder" notice and a re-inspection will be done. If the vehicle is still not in compliance with the Rules and/or with local or state laws, the vehicle will be subject to towing without further notice. All repairs of any motor vehicle which shall cause the vehicle to remain inoperable at the end of one (1) day are prohibited upon any portion of the Properties. If a vehicle is showing substantial damage, the Owner of the vehicle may be asked to cover it with a form fitting cover. Broken windows shall be repaired within thirty (30) days.
 - d. An operable and registered vehicle may be covered with a clean, tight fitting cover designed specifically for the vehicle. Vehicles covered with a car cover shall not be parked on the street. Car covers shall be earth toned in a solid color (i.e. brown, green, tan). Those owners with assigned spaces, who wish to cover their vehicles, may only do so within their assigned space.
 - e. Advertising is prohibited on vehicles (including but not limited to websites, phone numbers, etc.).
 - f. Commercial vehicles are **prohibited**, except in garages. “Commercial Vehicles” are vehicles that are not designed and used for customary, personal/family purposes. The absence of commercial lettering or graphics on a vehicle shall not be determinative of whether it is a commercial vehicle. Concurrently, lettering or graphics on a vehicle advertising a business is indicative of a commercial vehicle except dealer installed emblems and/or license plate holder, as is a commercial license plate. The lettering or graphics on a vehicle may be covered with a magnetic strip the same color as the vehicle or covered with a vehicle cover in order to bring it into compliance, provided there are no other features which cause the vehicle to be considered commercial. The foregoing and below restrictions regarding commercial vehicles shall not apply to temporary parking of commercial vehicles in connection with construction or providing pick-up and delivery and other commercial services, nor shall any such restrictions apply to any vehicles of the Association. The parking of service vehicles for repairs and/or service within the Properties shall be confined to the period between 7:00 a.m. and 9:00 p.m. except in the case of emergencies.
 - g. Campers, RVs, jet skis, construction trucks, trailers or boats are not to be parked/stored overnight on Lots, driveways, streets, Common Areas or Neighborhood Common Areas without the express prior permission of the Director of HOA Operations.
 - h. Non-resident overnight parking is restricted to house guests only. The storing of any vehicle is not permitted on the street.
 - i. No items, materials, recreational items, etc. shall be stored on the exterior of any vehicle.
 - j. All motor vehicles, including, but not limited to ATV’s, trail bikes, motorcycles, and dune buggies shall be driven only upon paved streets and parking areas. A speed limit of fifteen (15) mph should be observed within the subdivision streets unless otherwise posted. All

motorized vehicles, including, but not limited to golf carts (other than on the golf course and golf cart paths) and motorized scooters, are prohibited on any of the Association's Common Areas or Neighborhood Common Areas to include pathways or unpaved portions. Those vehicles used by the Association to carry out its day-to-day operations, motorized wheelchairs, or other devices to assist the disabled are exempt from the above restrictions.

- k. Subject to applicable laws and ordinances, any vehicle parked in violation of these and other restrictions set forth in the Governing Documents may be towed by the Association at the sole expense of the vehicle owner. The Association shall not be liable to the owner of the towed vehicle for trespass, damage, or otherwise, nor shall the Association be guilty of any criminal act by reason of the towing. In cases of towing in which notice is required, once such notice is posted, neither its removal nor failure of the vehicle owner to notice it or receive it for any reason, shall be grounds for relief of any kind. An affidavit of the person posting such notice stating that the notice was properly posted shall be deemed conclusive evidence of proper posting of the notice.
- l. If a vehicle is parked in a No Parking Zone or Fire Lane, is double-parked or otherwise blocking throughways, fire hydrant access, or is causing an emergency situation, it will be subject to towing without notice at the sole expense of the vehicle owner.
- m. If a vehicle is parked in violation of these Rules and other restrictions set forth in the Governing Documents but is not causing an emergency situation, for at least twenty-four (24) hours, a notice of violation will be placed on the vehicle and it will be subject to towing without further notice at the sole expense of the vehicle owner.

29. **Play Equipment, Strollers, Etc.:** All bicycles, tricycles, scooters, skateboards, and other play equipment, wading pools, baby strollers, and similar items shall be stored so as not to be visible from streets and neighboring properties when not in use. When not in use, wading pools should be emptied for health and safety purposes and stored within an enclosed structure. Swing sets, trampolines and similar playground equipment require prior ARB approval.

30. **Recreational/Athletic Equipment:**

- a. For Recreational, Athletic Equipment and Portable Basketball Goals: See pg. 54 in the Architectural Standards.
- b. No permanent recreational/athletic equipment (i.e. baseball cages, skateboard ramps, hockey or soccer nets) shall be permitted on any Lot.
- c. When not in use, all recreational equipment, except for portable basketball goals, must be stored inside a privacy fence, shed, garage or other unobtrusive backyard area where it will not be visible by neighboring properties, and shall be stored in an orderly fashion.
- d. Portable freestanding athletic equipment which shall include, but is not limited to, skateboarding ramps may not be set up and used on any neighborhood street.
- e. Use of home-based outdoor recreational equipment, including, but not limited to basketball goals, is prohibited between sundown and 9:00 a.m. (See Architectural Standards item entitled "Recreational/Athletic Equipment – Portable Basketball Goals on pg. 54.")

31. **Sale of Lots:** Virginia law requires sellers of residential property to order a disclosure package (book or electronic) for the purchasers for their Lot. Upon an Owner's request, the Association will provide a disclosure packet as required by the Virginia Property Owners Association Act. The Association charges a fee for providing the disclosure packet. Contact the Association office for more information.

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

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

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

- a. One (1) sign of not more than six (6) square feet advertising the property for sale or rent provided the sign is removed no later than 3 days after the sale (closing) of the property to a new Owner or occupancy by tenant.
- b. One (1) sign/flag of not more than six (6) square feet expressing support or opposition to political candidates or other issues which appear on the ballot of a primary, general, or special election, provided that such political signs shall not be placed on a Lot earlier than sixty (60) days before such election and shall be removed within two (2) days after such election and shall not have a maximum elevation in excess of six (6) feet.
- c. Security/Property maintenance signage (e.g., no trespassing, alarm, dog warning, please curb pet, please do not walk on grass) are permitted. Signs must be no more than one (1) square foot in size, (maximum two (2) signs per lot). Security signage shall be free standing, or properly adhered to a fence.
- d. Solicitation Signage: One (1) small “No Solicitation” sign, one (1) square foot or less is permitted by entrance doors of the dwelling.
- e. An Owner’s personal vehicles legally parked may display one (1) “For Sale” sign on a vehicle window not to exceed 8½" by 11" in size.
- f. Free standing, temporary signs are permitted for individual Neighborhoods to inform residents of Neighborhood events. Signs may be displayed seven (7) days in advance of the event and must be taken down within 24 hours after the event. Real estate “open house” signs may be displayed at Neighborhood entrances from 9:00 a.m. Saturday morning to 5:00 p.m. Sunday evening. The sign must be of suitable size not to exceed six (6) square feet (recommended 3’ x 2’) and must be placed as directed by the Board of Directors.
- g. Neighborhoods wishing to display signs other than meeting notices (i.e. yard of the month) must obtain prior approval from the HOA Office.
- h. A sign advertising yard/garage/estate sale shall not be placed on any property other than that of the Lot of the person conducting such sale. The sign must be of suitable size not to exceed six (6) square feet (recommended 3’ x 2’) and shall not remain longer than 72 hours.
- i. One (1) sign for home occupation/office no larger than One (1) square foot is permitted if located by the front entrance of the dwelling.
- j. Special occasion signs/decorations permitted for up to 2 weeks (i.e. Welcome Home, Graduation, Anniversary, Birthday, etc.)
- k. No sign of any kind should be stapled or adhered to any trees.

34. **Solicitation/Pamphleteering/Advertising:** Kiln Creek has established itself as a non-soliciting community; however, local ordinances are subject to change at any time. We suggest that homeowners either post a small no-solicitation sign at the front door of their dwelling, and/or do not respond to these solicitors. Soliciting, pamphleteering, and advertising are prohibited within the entire community of Kiln Creek, including on Resort grounds. Under special circumstances, with the written permission of the Board of Directors, exceptions to this rule may be allowed on a case-by-case basis.
35. **Storage:** The storage of items outside of a dwelling is prohibited. This includes but is not limited to boxes, bins, tools, lawn/gardening supplies, recreational equipment, toys, luggage racks, ladders, vehicle parts/doors/caps etc. Any items not mentioned will be addressed on a case-by-case basis at the discretion of the Board. See pgs. 56-57 for additional information on storage sheds, etc.
36. **Portable Storage Containers:** All portable storage containers shall obtain permission prior to bringing to property. All portable storage containers such as PODs®, SmartBox® and other similar storage devices are prohibited on a Lot, except for 3 days when moving in/out, or as permitted by the Board of Directors or Director of HOA Operations for construction activities.
37. **Trash:** All garbage and trash stored on the Properties shall be kept in covered containers, and, except for a reasonable amount of time to permit collection on scheduled days of trash collection, shall be kept inside a privacy fence, shed, garage or other concealed or screened area, so as not to be visible from the street. Example: behind a/c unit, behind trellis, behind bush. Accumulation or storage of litter, refuse, bulk materials, building materials, garbage or trash of any other kind shall not be permitted on any Lot. No incinerator shall be kept or maintained upon the Properties. The burning of trash, leaves or other debris is strictly prohibited within Kiln Creek.

*Please note private villages may have their own trash/recycling regulations. *

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

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

- All trash bags placed on curb must be made of clear plastic. Black trash bags are prohibited.
- Homeowners have the option to place house identification numbers visibly on the front of their trash can with adhesive stickers no larger than three (3) inches in height. (Painting of these numbers is not permitted.)
- Large bulk trash/debris such as Bagsters® shall be removed within seven (7) days after completion of work.
- Specific details regarding trash may be found on the local government websites of the City of Newport News (757) 933-2311 and York County (757) 890-3404
<https://www.nnva.gov/771/Solid-Waste-Collection-Schedule-Calendar>
<https://www.yorkcounty.gov/581/Bulk-Collections>

38. **Underground Utilities:** No water, sewer, gas, or drainage pipe, television cable, electrical wire, or other similar transmission or utility line shall be installed or maintained upon any Lot or Parcel above the surface of the ground (Utilities affixed to the dwelling are acceptable along the foundation line.)

39. **Window Treatments:** Drapes or other window treatments (such as blinds or shutters) must be white, off white or have a white lining or backing. No plastic wrap may be affixed to a window. Sheets, blankets, towels or other materials not intended for use as window coverings are prohibited.

Decorative films or clings require the approval of the ARB prior to installation (see pgs. 60-61).

Window tinting: See Architectural Standards on pgs. 60-61.

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

****See Rules for signs on pgs. 18-19****

SECTION III

RECREATION AREAS

Electronic Recreation Passes are required for the use of the Kiln Creek recreational facilities. To obtain your Electronic Recreation Pass, download the Kiln Creek HOA mobile app on your apple or android device. Once you sign up for the mobile app, click on “Rec Pass” and sign up for a 2nd time (can use same login information). Enter all required data and submit to HOA for approval. Please contact the KCOA office if you have questions about obtain your electronic pass- If you do not wish to upload the application, you are still to sign up at the HOA office in person.

Recreation Center, Swimming Pools, Golf Club & Resort and Tennis Courts/Pickleball Courts.

Please view the Recreation Center, Pool, Golf Club & Resort and Tennis Court/Pickleball Court Rules in our office for a handout, or on our mobile app or website at www.kilncreek.org as these rules are routinely updated. No pets permitted at any of the aforementioned areas. See section II-1-Animals of the Rules, regarding service animals.

Playground/Picnic Areas

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

Paths/Trails

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

SECTION IV

ENFORCEMENT PROCEDURES

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


Procedures for Violations of the Governing Documents

1. Noncompliance with the Governing Documents, the Rules and the Architectural Standards may be noted by a resident, an Owner, or employee of the Association or by a city/county employee acting in an official capacity, by initially reporting such in writing to the Association. Such notice, to the extent feasible, shall specify the time, date, place and nature of the violation. The Virginia Property Owners' Association Act and Section 9.3 of the Declaration authorizes the Association to enforce the Rules and Architectural Standards.
2. Upon receipt of such notice and after the Association has evaluated the same, the Association shall send a written first notice to the Owner stating the time, date, place and nature of violation (to the extent known to the Association). The notice will provide a time period for compliance. If the violation is not corrected within the time period given, such violation may result in the imposition of sanctions, charges, legal action, or any other remedies that the Association may pursue under law, including but not limited to, those under Section 55-513 of the Virginia Property Owners' Association Act, as amended. A record of this action and a copy of all notices sent by the Board of Directors and any correspondence relating thereto shall be kept in the Association files and may be sent to the Association's legal counsel.
3. Every Owner of a Lot which is the subject of an enforcement complaint and/or noted violation shall receive notice from the Association describing the violation. Before any charges are assessed against such Owner, the Owner who is the subject of the violation shall have the opportunity to be heard and represented by counsel before the Board of Directors or a tribunal selected by the Board of Directors. Notice of a hearing shall be hand delivered or mailed by certified mail, return receipt requested, to the Owner (pursuant to VA Code Section 55-513) and, if applicable to the resident, at the address(es) of record with the Association, at least fourteen (14) days prior to the hearing. If, after the hearing, the Board of Directors determines that a violation of the Governing Documents, Rules and/or Architectural Standards has occurred, the Board of Directors shall have the power to assess charges against any Owner for any violation for which the Owner or the Owner's family members, tenants, guests, or other invitees are responsible. Pursuant to VA Code Section 55-513, the amount of any charges assessed by the Board shall be up to Fifty Dollars (\$50.00) for a single offense or Ten Dollars (\$10.00) per day, per violation for any offense of a continuing nature and shall be treated as a special assessment against the Owner's Lot. The foregoing remedies are in addition to any remedy the Association may seek through the legal process.

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



EXHIBIT A



We look at your home from all possible angles, so if you don't see what we see, you may need to go down the street, or the street behind you.

If you can't see it, we will gladly go back out to look again and take a picture for you.

KCOA COMMUNITY REVIEWS QUICK REFERENCE GUIDE

- Roof Stains - Roofs should be free of algae / mold / stains / missing shingles
- Algae / Mold on siding, Dryvit (stucco), and Brick needs to be cleaned
- Mailbox Painted Cleaned Replaced
- Post Painted Cleaned Replaced
- Trim / Fascia Board Painted Cleaned Wood Rot
- Window trim Painted Cleaned Wood Rot
- Shutters need painting
- Garage door needs painting / replaced / panel replaced
- Algae / Mold on the fence needs to be cleaned
- Cutters or Soffit Cleaned | Cutters and soffits should be free of dirt, stains, and algae / mold
- Trash can visible / stored incorrectly | Needs to be stored out of sight / concealed
- Trash on the curb early / late / bulk trash on the curb at the wrong time
- Lawn not mowed / edged
- Bushes not pruned
- Driveway cracks filled / repaired / replaced
- Flowerbeds need to be weeded
- Advertising signs are not permitted
- Commercial vehicle / Trailer / Camper / RV at residence
- Colored window coverings / broken window blinds
- Any exterior alterations without ARB approval? | (Swings sets, Sheds, Trampolines, Landscaping, Gazebos)
- Pets outside unattended / tethered
- Vehicles without proper registration tags or inspection
- Toys / Play equipment / Recreational equipment / Strollers, etc. being stored outside when not in use
- Storing of any items outside of the home is not permitted | (except typical outdoor furniture)







Download Our Kiln Creek HOA App!

App Store | Google Play




31 VILLAGES | 757.877.9835 | ADMIN@KILNCREEK.ORG



**VILLAGES OF KILN CREEK
OWNERS ASSOCIATION**

Part II:

ARCHITECTURAL STANDARDS

SECTION I

INTRODUCTION (ARCHITECTURAL STANDARDS)

The Villages of Kiln Creek remains one of the Peninsula's most desirable locations for many reasons. The primary reason is because it is composed of Owners like you who care about the appearance of their homes, and because it is a planned community with written architectural standards ("Architectural Standards") to guide you when making an Exterior Modification to your Lot or when doing maintenance to your home. This document details those Architectural Standards and is designed to help you, the Owner, continue to enhance the aesthetics of your Lot. Periodically, these Architectural Standards are reviewed for completeness and accuracy. This document supersedes and replaces all prior Architectural Standards and guidelines, including, without limitation, the Architectural Standards dated October 20, 2021.

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

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

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

1. Generally, if you are replacing a previously approved item with another exactly like it (same color, size, material, etc.) you do not need to submit an Application to the ARB. **However, if you are not sure whether the item was originally approved or if the replacement is not an exact duplicate, please submit an Application.**
2. Please be aware that by submitting an Application, the Owner grants the ARB authorization to visit and enter upon their Lot, with prior notification, to view the site (exterior only) of the proposed alteration (exterior only). Additionally, Owners have no expectation of privacy with regard to Applications, Plans and/or other supporting material, as the ARB meetings are open to the public.

Thank you for your cooperation!

Let's continue to make Kiln Creek "The Premier Place to Live on the Peninsula."

Purpose Statement

The purpose of these Architectural Standards is to:

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

Preliminary Matters

1. **Authority.**

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

Section 6.5 of the Declaration provides that “No Improvement [as defined in Section 6.2 of the Declaration and reprinted in Paragraph 3 below] shall be constructed, erected, installed, or maintained on any Lot or Parcel, nor shall any Improvement be altered, enlarged, demolished or removed in a manner that alters the exterior appearance (including, without limitation, paint color) of the Improvement or of the Lot or the Parcel on which it is situated, unless the Application, Plans, and construction schedule therefore have been approved by the Architectural Review Board.”

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

Accordingly, the Board of Directors adopted the following Architectural Standards (including the exhibits attached hereto) to facilitate the ARB’s review of Applications. **Owners are cautioned that the Architectural Standards are guidelines only, and subject to the terms and provisions of the Declaration. The ARB may exercise, in its sole discretion, whether to approve or disapprove any Application. In the event the Association approves any ARB Application, the Owner shall indemnify and hold the Association harmless for any damage or injury that occurs to a third party’s person or property as a result of any modifications made pursuant to the ARB Application. Any neighboring property owner, or their resident, tenant, or guest, who suffers damage or injury as a result of the Architectural Modification shall attempt resolution with ARB Applicant-Owner directly. UNLESS REQUIRED BY LAW OR SET FORTH SPECIFICALLY IN THE GOVERNING DOCUMENTS, THE ASSOCIATION WILL NOT INTERVENE WITH ANY NEIGHBOR-TO-NEIGHBOR DISPUTE.**

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

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

3. **Definitions.** Capitalized terms not defined in these Standards shall have the meaning set forth in the Governing Documents.

4. **Application Procedure.** An Application (as defined below) is required for all Improvements except for those Improvements that herein specifically state that an Application is not required. All Applications should be submitted to the ARB at the following address: Villages of Kiln Creek Owners Association, 970 Brick Kiln Road, Newport News, Virginia 23602, Attention: Architectural Review Board.

a. Section 6.2 of the Declaration sets forth the Application procedure for obtaining approval. This section provides, in part:

"Section 6.2 Plans to be Submitted. Before commencing the construction, erection or installation of any building, addition, patio, deck, pool, fence, wall, animal pen or shelter, exterior lighting, sign, mailbox or mailbox support, improvement or other structure (each of the foregoing being hereinafter referred to as an "improvement") on any Lot or Parcel, including any site work in preparation therefore, and before commencing any alteration, enlargement, demolition or removal of an Improvement or any portion thereof in a manner which alters the exterior appearance (including but not limited to paint color) of the improvement or of the Lot or the Parcel on which it is situated, each Owner shall submit to the Architectural Review Board a completed application on the form provided by the Architectural Review Board (the "Application"), a proposed construction schedule and a set of plans and specifications of the proposed construction, erection, installation, alteration, enlargement, demolition or removal, which plans and specifications shall include (unless waived by the Architectural Review Board):

- i. A site plan showing the size, location, and configuration of all improvements, including driveways and landscaped areas, and all setback lines, buffer areas and other features required under the Zoning Ordinance or guidelines adopted by the Architectural Review Board. Any incomplete application will be automatically rejected and sent back to the owner for correction/completion;
- ii. As to improvements initially constructed on a Lot or a Parcel, landscaping plans showing the trees to be removed and to be retained, and shrubs, plants and ground cover to be installed;
- iii. Architectural plans of the improvements showing exterior elevations, construction materials, exterior colors, and driveway material;
- iv. A sediment and erosion control plan; and
- v. A tree protection plan and such other information as the Architectural Review Board in its discretion shall require (collectively, the "Plans").

The Architectural Review Board may, in its sole discretion, waive the requirement that any or all of the required Plans be submitted in a particular case where it determines such Plans are not necessary to properly evaluate the Application. **The Architectural Review Board shall not be required to review any Plans unless and until the Application has been submitted in**

completed form with the proposed construction schedule and the Plans contain all of the required items. The Application, Plans and the proposed construction schedule must be submitted to the Architectural Review Board at the address of the Association in the same manner as notices are to be sent to the Association pursuant to Article XI.”

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

- b. The required ARB application form (“Application”) is set forth in Exhibit 2 on pages 64-67.
 - c. Once an Owner submits an application to the Association for consideration, the Application, Plans, and/or other material may be shared with others. Accordingly, Owners have no expectation of privacy in their submitted Application.
 - d. Improvement(s) specified in the Application must be completed within twelve (12) months of ARB approval unless extenuating circumstances exist, which the ARB may decide in its sole and absolute discretion. If improvement(s) specified in the Application are not completed within twelve (12) months of ARB approval, a new Application must be submitted to the ARB.
5. **Composition.** Pursuant to the Declaration, the ARB is composed of three (3) Owners. The ARB is appointed by the Board of Directors of the Association. The Board of Directors may appoint one (1) alternate member to the ARB who may vote only in the absence of a regular member. The members of the ARB shall serve for such terms as determined by the Board of Directors.
6. **Compliance with all Laws and Building Codes.** *Before commencing* the construction, erection or alteration of any improvement, Owners must contact the appropriate local building code compliance agency for either York County or the City of Newport News to determine whether a building permit is required. Owners are responsible for ensuring that the improvements are constructed, erected or altered in accordance with all applicable local, state and federal laws and regulations. Any violation of such laws and regulations shall constitute a violation of these Architectural Standards and may result in local and/or other disciplinary action being taken by the Board of Directors.
7. **Breaking Ground.** It is required that before any digging is initiated, the applicant must call Virginia Utility Protection Services at 811 or 1 (800) 552-7001 for locating and marking existing utilities.
8. **Erosion Control and Drainage.** Owners must take appropriate erosion control measures as required by the local building code compliance agency for York County or the City of Newport News during the construction, erection or alteration of any improvement. Any improvements shall not adversely impact the proper drainage of the Owner’s Lot or that of any adjoining property. The burden of proof shall be on the owner adversely effected. The Association will not get involved with neighbor-to-neighbor disputes. Owners are solely and independently responsible for ensuring that they take all appropriate erosion control measures. Owners shall be obligated to indemnify and hold harmless the association, its affiliates, agents, or assigns, from any liability resulting from violation of this rule (see pg. 15 for neighbor to neighbor disputes).
9. **Major Changes.** Major changes shall include, but are not limited to, room additions, decks, fences, storage sheds, ramps, exterior lifts, and major landscape changes.

10. **Requests for an Accommodation Relating to a Disability.** Additions and modifications relating to a disability require the submission of an Application. To assist the Association in processing requests for accommodations relating to a disability, Owners are requested to fill out and submit The ARB Supplemental Disability part of the Application, attached hereto as Exhibit 2 pg. 66-67.
11. **Guidelines for Separate Associations.** Neighborhoods that have Separate Associations (see Exhibit 1 pg. 62) may have separate architectural standards and approval requirements/procedures as set forth in the governing documents for those Separate Associations. Owners wishing to make modifications to Lots within such Neighborhoods are responsible for seeking all required approvals, if any, from their separate Association in addition to obtaining the ARB's approval. In the event of a conflict between these Architectural Standards and any applicable guidelines utilized by a separate Association, these Architectural Standards shall control; provided, however, a separate Association's guidelines may be more restrictive than these Architectural Guidelines.

Upon the ARB's receipt of an Application for a major change to a Lot located within a Neighborhood which has a separate Association (see Exhibit 1), the ARB may, as a courtesy to the separate Association, direct the Association's ARB Coordinator to send a letter to such separate Association's manager (or other point of contact for which the Association has received notice), notifying the separate Association of the ARB's receipt of an Application for a major change from an Owner whose Lot is located within the separate Association. Any such notification letter shall be sent solely as a courtesy and shall neither impede nor delay the ARB's review and processing of such Application. A separate Association's failure to receive such a notice letter from the ARB shall not affect nor delay the ARB's consideration of an Application.

12. **Similar Improvements.** Granting approval for Improvements for one Lot or Parcel *does not automatically grant approval of similar Improvements for other Lots or Parcels.*
13. **Appeals.** If a homeowner disagrees with the ARB's disposition of an application, the homeowner may appeal to the ARB at one of their regularly scheduled meetings to discuss the decision. If the final decision by the ARB does not satisfy the homeowner, then the homeowner may appeal to the Board of Directors.
14. **Variations.** *Owners are advised that the ARB supports the application and enforcement of these Architectural Standards, and therefore, variations will not be routinely granted.* Requests for variations will be reviewed by the Board of Directors on a case-by-case basis. Each situation will stand on its own merit, regardless of whether similar variations have been previously approved for other Owners under similar circumstances. To be valid, any variance granted by the Board of Directors must be evidenced by a duly adopted written resolution of the Board of Directors. **Variations may or may not convey to future Owners depending on circumstances.** Records of all approved variations are filed in the associated Lot file.
15. **Grandfathered Exceptions.** Unless the Board of Directors, in adopting new Architectural Standards, specifies to the contrary, additions or alterations made by an Owner which were in "compliance" (**i.e., a prior Application had been approved**) under previous Architectural guidelines or standards shall not be in violation with current or future Architectural Standards, if such current or Architectural Standards conflict with or render the prior Architectural Standards invalid. The Board has the right to determine if such alteration needs to be removed at the time of sale or replacement of the alteration.

16. **After the Fact Fee.** Applications for exterior alteration which are received by the Architectural Review Board after the described work has been started or has already been completed shall be subject to an ARB administrative fee of \$50 to cover the costs of additional correspondence and inspections. The ARB, in its discretion, may waive the fee. Emergency repairs will be excluded from this fee.
17. **Cease and Desist.** Owners commencing a major renovation without prior approval are subject to being served with a cease and desist order, may be brought to formal hearing and may be subject to charges to be determined by the Board of Directors in addition to any additional remedies available to the Association under its Governing Documents and applicable law.



SECTION II

ARCHITECTURAL STANDARDS

ANTENNAS (Television and Communication Antennas)

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

Accordingly, a separate Antenna/Satellite Dish Installation form (available on www.kilncreek.org or hard copy at the HOA office) **IS REQUIRED** to be submitted to the Association office **after** installation of the antennae or dish to record such installation as an exterior Improvement and its placement on the property. The location of antennas and dishes, consistent with the ability to receive an acceptable signal, **are required to be located on the rear of the home or in the rear yard according to #1 below.** Owners that are not able to receive acceptable signal in this location are required to follow the priority list below, starting with the most preferred location:

1. Rear of the property below the wall level, attached to the house, not visible from the street;
2. Rear or side of house, below roof line, not visible from the street or screened from view by landscaping;
3. Rear or side of house, above roof line;
3. At front of property or the side facing the street on ground level and screened from view by landscaping.

***If none of the above locations can receive an acceptable signal, a signature and note from the installation company is required on the Antenna/Satellite Dish Installation form. The note shall specify that there was no acceptable signal at the above locations and must be installed as indicated on the form. A formal letter from the installation company is acceptable in lieu of signature/note and shall be affixed to the form.*

When no longer in use or changing providers, antenna/satellite dishes and their hardware are required to be removed. Furthermore, the area where it was installed shall be repaired to its original state (i.e. shingles with holes replaced, holes in wood filled, etc.).

****See next page for form****

Antenna/Satellite Dish Installation Form

(Television and Communication Antennas)

****This form shall be submitted to the HOA office once installation has been completed****

Neighborhood: _____ Acct # _____ Date _____
Name: _____ Email: _____
Address: _____ Phone: _____

Location/description of where antenna/dish was installed **Attach Picture if Possible:**

ALL antennas and dishes **are required to be located on the rear of the home or in the rear yard according to #1 below.** Owners that are not able to receive acceptable signal in this location are required to follow the priority list, (#2-#4 below), starting with the most preferred location. **Please place a check mark** next to the location where your antenna/satellite dish has been installed according to the KCOA Standards:

- #1. Rear of the property below the wall level, attached to the house, not visible from the street;
- #2. Rear or side of house, below roof line, not visible from the street or screened from view by landscaping;
- #3. Rear or side of house, above roof line;
- #4. At front of property or the side facing the street on ground level and screened from view by landscaping.
- **If none of the above locations can receive an acceptable signal, a signature and note from the installation company is required below. The note shall specify that there was no acceptable signal at the above locations and must be installed as indicated in the location/description described above. *A formal letter from the installation company is acceptable in lieu of signature/note and shall be affixed to this form.***

NOTES FROM INSTALLATION COMPANY CERTIFYING NO ACCEPTABLE SIGNAL IN ABOVE LOCATIONS:

INSTALLATION COMPANY REPRESENTATIVE:

Signed: _____ Date: _____
Printed Name: _____ Title: _____

OWNER SIGNATURE: I, _____, certify that the aforementioned antenna/satellite dish has been installed on my property in accordance with the KCOA Rules & Architectural Standards as indicated on this form.

Owner Signature: _____ Date: _____

ATTIC VENTILATORS, EXTERIOR

All attic ventilators require an Application.

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

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

AWNINGS/SUN SHADES/SAILS/OVERHANGS or similar structures

All awnings/sun shades/sails/overhangs or similar structures require an Application.

The ARB will review these Applications based on the following:

1. Compatibility with the dwelling architectural character; colors should be muted.
2. Consistency with the visual scale of the dwelling to which the devices will be attached;
3. Effects of awnings on view, sunlight and natural ventilation of neighboring properties;
4. Drawings of the proposed awning/**sun shades/sails** as installed in the stored and extended position;
5. If the proposed awnings/**sun shades/sails** will be removed for winter storage, non-permanent framing structure also must be removed.
6. All awnings/**sun shades/sails** shall be kept in proper working order and material must not be torn, tattered, faded or stained.
7. The electrical supply should be protected by conduit or chase.
8. Metal awnings/overhangs or similar structures over windows and doors shall be of modern design. Metal may not have folds or creases closer together than 6 inches apart at the joints/connections. Overhangs in other locations shall follow roofing guidelines on pg. 54-55.



This Awning/Overhang is too large and would be considered a “roof”. Please see roofing guidelines when considering structures similar to this.

CAR PORTS

Car ports are not permitted. Similarly, no awnings, overhangs or similar structures shall be used as car ports.

CHIMNEY CAPS/CHASE COVERS (metal around the top of a chimney)

Damaged or rusted chimney caps/chase covers shall be replaced by non-corrosive material (i.e. not copper, but galvanized or stainless steel) or painted with black, white, silver or gray rust resistant paint.

COMPOST BINS

Compost bins require an Application.

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

DECKS, PATIOS & BALCONIES

All decks, patios and balconies (new or altered) require an Application. Applications should include the following:

1. A description of the materials to be used (i.e. wood, metal, composite, etc.).
2. Location of the proposed deck, patio or balcony must be included on a copy of the plat. Drawings should be submitted which show elevations of the house, any railings or stairs to be constructed and dimensions and height above grade where applicable.
3. An explanation of any relocation of windows or doors, meters, and heating/air conditioning units.
4. A description of any changes in exterior lighting.
5. A description of plantings to be removed for construction of or added in conjunction with the deck, patio or balcony.
6. If a deck, patio or balcony is to be stained or painted, a *sample must accompany the Application*.
7. If railings are to be installed on the deck, patio or balcony, a description of material and appearance shall be included.
8. Approved color palette of muted colors for decks, patios and balconies is available at the HOA office. Approved fence colors may also be used for decks, patios and balconies.
9. Coverings such as awnings or other shade devices above patios and/or decks require an application. (See pgs. 59-60, Trellises, Pergolas, Arbors, Gazebos, Temporary Gazebos, Canopies, Privacy and Screening Walls. Also, see pg. 34 for Awnings/Sun Shades/Sails.)
10. No yard (front, side or rear) shall be completely covered with hardscaping (i.e.: concrete/cement patio, rocks, etc.).

DOMESTIC ANIMAL HOMES AND DOMESTIC ANIMAL RUNS

All dog and domesticated animal homes require an Application. Dog runs are prohibited.

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

For additional information regarding all animals, see the Association Rules item entitled “Animals” pg. 9.

DOORS

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

All decorative door films/coverings require an Application. (See also Storm Doors on pg. 57-58 and Window Tinting & Film on pgs. 60-61.)

Decorative Doors/Hardware require an application.

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

Approved color list is available at the HOA Office for review. If applicable, refer to your Neighborhood property management company for approved colors.

Etching on doors/side lights/transom windows require an application.

DRIVEWAYS & WALKWAYS

An application is required for all new driveways, driveway expansions and walkways, which shall include size, location and materials proposed. Stamped concrete walkways and patios also require an Application. Stamped concrete driveways are not permitted. Only concrete and aggregate driveways are permitted. Any modification to / alteration of an existing driveway requires an Application.

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

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

Painting of concrete or aggregate driveways, sidewalks, walkways is prohibited. Concrete sealers are permitted and shall match as best as possible to the original color.

ELECTRIC VEHICLE CHARGING STATIONS (EVCS)

An application is required for all EVCS. The following shall be adhered to when submitting an application for electric vehicle charging stations:

- a) All EVCS shall be professionally installed.
- b) Shall not go over/through common area.

- c) Shall stay on owner's property, not into public or private street.
- d) Cord shall be black in color.
- e) Cord shall be retracted or put away when not in use.
- f) Shall be installed inside a garage/home if possible. When not possible, shall be mounted to exterior of home, out of sight as much as possible or shielded/concealed by privacy fence, bushes, etc. Exterior charging stations shall be neutral in color.
- g) Free standing charging stations are strictly prohibited for single-family and townhome lots.
- h) Any lot owner installing an electric vehicle charging station shall indemnify and hold the association harmless from all liability, including reasonable attorney fees incurred by the association resulting from a claim, arising out of the installation, maintenance, operation, or use of such electric charging station. All unit owners, or their residents or tenants, shall maintain appropriate insurance coverage for installation and use of any EVCS.

FENCES

Any new fence, replacement, modification, addition or removal to existing fencing requires an Application. The Association has established special fence standards for certain Neighborhoods on pgs. 42-43.

Definitions:

Type 1 Fence: Only a Type 1 fence may be constructed along Kiln Creek Parkway and Brick Kiln Boulevard. Only a Type 1 fence will be considered a privacy fence.

Type 2 Fence: A Type 2 fence, because of its height and open slats, cannot be considered a privacy fence. Lake and golf course properties shall only have Type 2 or Type 3 fencing.

Type 3 Fence: A Type 3 fence, because of its height and open slats, cannot be considered a privacy fence. Lake and golf course properties shall only have a Type 2 or Type 3 fencing.

Front yard fencing is prohibited.

Only approved fences are permitted. Approved fences must be of the type specified in the diagrams and lists shown below.

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

Fences shall not be constructed in front of the two (2) primary front corners of the home but must be along the property lines. Symmetry of appearance when seen from the front of the home will also be a consideration of fence placement.

Framing and posts must be on the interior of the fence, resulting in a smooth area on the exterior of the fence. For those that wish to have a smooth appearance on the inside of their fence, it is acceptable to have a "smooth" side on both sides of the fence.

See pg. 9 for electric animal fences, which require an application.

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

To accomplish a more uniform, consistent look along the Parkway & Boulevard, all wood fences facing and backing up to the Parkway/Boulevard (including corner homes with sides of fences visible from KC Parkway and Brick Kiln Blvd) shall be stained with Valspar brand "Oatbran 6006-1B" color solid (opaque) stain. All such fences shall be stained with this color within the next 3 years, no later than December 31, 2027; furthermore, such fences shall be replaced with Freedom brand "Sand" color vinyl fencing within 15 years, no later than December 31, 2039.

Fences made of synthetic material (i.e. vinyl, Trex, etc.) in place of wood will be considered if height, and style is same as current standard. Choices of synthetic materials are available at the HOA office. White fences are **not** permitted.

Kiln Creek Parkway & Brick Kiln Boulevard Fences: Only vinyl fencing that matches as close as possible to Freedom brand "Sand" color are permitted to be constructed (or replace wood) along Kiln Creek Parkway and Brick Kiln Blvd.; all homes with sides visible from KC Parkway and Brick Kiln Blvd shall be vinyl, interior sides can be wood or vinyl., (New wood fences are no longer permitted along the Parkway or Boulevard.) To ensure consistency of fence color along the main throughfares, the color match to "Sand" is at the discretion of the ARB and a sample of the requested vinyl is required with the application prior to approval.

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

Alternate gate & fence styles will be considered on a case by case basis. Decorative fences shall only be installed within a type 1 fence.

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

Chicken wire/garden netting used to keep out rabbits or other animals may be used on the inside bottom half of Type 2 fences only. Type 3 fence may only use clear garden netting or puppy kit depicted on pg.41.

For privacy and screening walls see pg. 59-60.

Grass behind fences shall be maintained to property line.

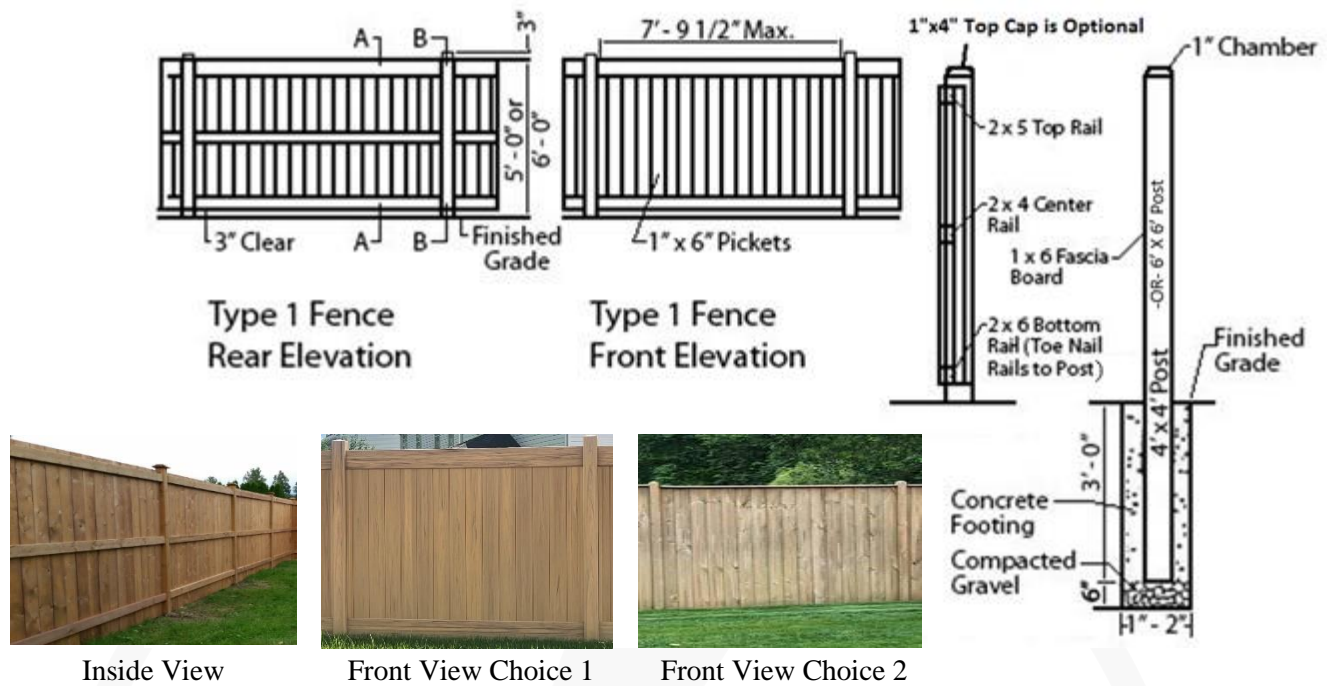
Fences shall not be affixed to trees by any means.

Post Caps

Application is required. Will be reviewed on a case by case basis.



Type 1 Fence Criteria

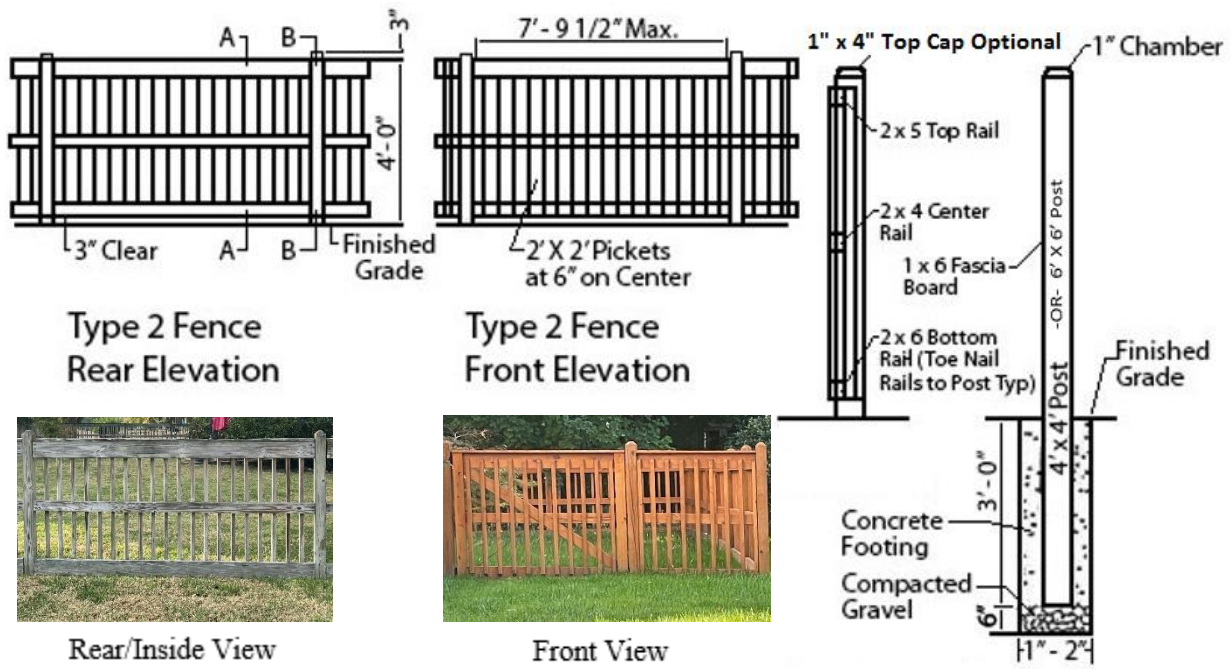


1. All wood members to be pressure-treated Southern yellow pine, grade 2 or better, or clear white cedar or wood tone colored synthetic material (white fences not permitted).
2. All wood members are to be free of warp or weave.
3. All lumber sizes shown are nominal sizes.
4. All gates shall match design of the applicable fence to which they are attached.
5. All hardware and fasteners shall be aluminum, stainless steel or hot-dip galvanized finish, sized to suit Application.
6. Fences shall not be erected in front of the two primary front corners of a dwelling. Fences not attached at the rear corners of the house, shall be attached at an equal distance from the front of the house on both sides.
7. **The front elevation (smooth side) of Type 1 fences shall face outward.**
8. Only Type 1, 6ft (NOT 5ft) **vinyl** fence shall be constructed along Kiln Creek Parkway and Brick Kiln Boulevard. Only vinyl fencing of Freedom brand “Sand” color are permitted to be constructed (or replace wood) along Kiln Creek Parkway and Brick Kiln Blvd.; all homes with sides visible from KC Parkway and Brick Kiln Blvd shall be vinyl, interior sides can be wood or vinyl. (Wood fences are no longer permitted along the Parkway or Boulevard.)
9. Type 1 fences shall not be constructed along lakes or Golf Course.
10. Type 1 fencing may be 5 feet or 6 feet in height.
11. Type 1 fence may be constructed along other applicable Lots not defined in Notes 8 and 9 above.
12. Fences which do not meet all criteria contained herein shall not be allowed.

**See more fence specifications on pgs. 37-38.

**Individual neighborhood specifications on pgs. 42-43.

Type 2 Fence Criteria

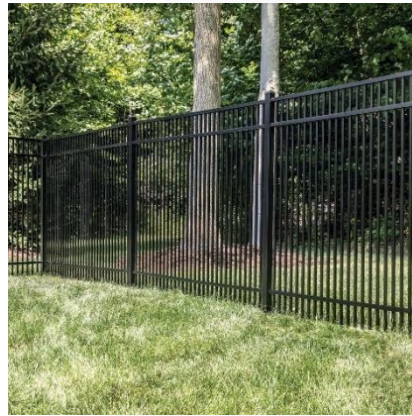
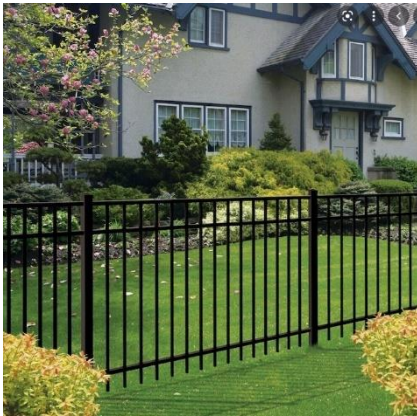
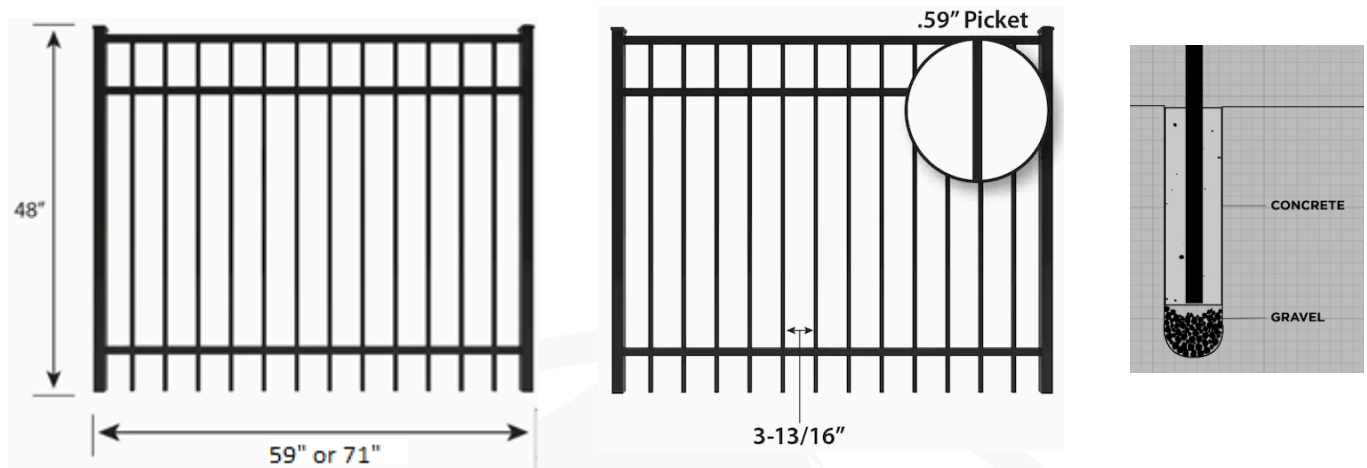


1. All wood members to be pressure-treated Southern yellow pine, grade 2 or better, or clear white cedar or wood tone colored synthetic material (white fences not permitted).
2. All wood members to be free of warp or weave.
3. All lumber sizes shown are nominal sizes.
4. All gates shall match design of the applicable fence to which they are attached.
5. All hardware and fasteners shall be aluminum, stainless steel or hot-dip galvanized finish, sized to suit Application.
6. Fences shall not be erected in front of the two primary front corners of a dwelling. Fences not attached at the rear corners of the house, shall be attached at an equal distance from the front of the house on both sides.
7. **The front elevation (smooth side) of Type 2 fences may face outward or inward.**
8. Type 2 fence **shall not** be constructed along Brick Kiln Boulevard and Kiln Creek Parkway.
9. Only Types 2 or 3 fencing shall be constructed on lots abutting lakes and golf course.
10. Type 1, or Type 2, or 3 fence may be constructed along other applicable Lots not defined in Notes 8 and 9 above.
11. Fences which do not meet all criteria contained herein shall not be allowed.
12. Type 2 fences shall only be 4ft in height.

**See more fence specifications on pgs. 37-38.

**Individual neighborhood specifications on pgs. 42-43.

Type 3 Fence Criteria



"puppy kit"

Freedom[®]-Standard Sheffield, Ironcraft[®]-Berkshire, or similar brand/type. 4-ft h x 5-ft w or 4-ft h x 6-ft w
Black Powder-Coated Aluminum Post-and-Rail Flat-Top Decorative Metal Fence Gate

1. Type 3 fences shall only be 4ft in height. Width shall be either 5ft or 6 ft panels.
2. Type 3 fences shall have 3 cross members: one at the top, one approximately 6 inches below the top cross member, and one approximately 6 inches above ground level.
3. All gates on Type 3 fences shall match the design of the fence.
4. All hardware and fasteners shall be black powder-coated aluminum finish, sized to suit Application.
5. Fences shall not be erected in front of the two primary front corners of a dwelling. Fences not attached at the rear corners of the house, shall be attached at an equal distance from the front of the house on both sides.
6. **The front elevation (smooth side) of Type 3 fences may face outward or inward.**
7. Type 3 fence **shall not** be constructed along Brick Kiln Boulevard and Kiln Creek Parkway.
8. Only Types 2 or 3 fencing shall be constructed on lots abutting lakes and golf course.
9. Types 1, 2 or 3 fencing may be constructed along other applicable Lots not defined in Notes 7 and 8 above.
10. Type 3 fence should be properly anchored.
11. Fences which do not meet all criteria contained herein shall not be allowed.
12. Additional "puppy kit" may be approved, so long as is removed when no longer necessary.

**See more fence specifications on pgs.37-38.

**Individual neighborhood specifications on pgs. 42-43.

Architectural Standards for Fences Listed By Neighborhood

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

- Avery Woods** Types 1, 2 or 3 only
- Cascades** 5-foot Type 1 fence around trash units; 4-foot lattice type fence around mechanical units
- Claymill Corner** 6-foot stockade and 6-foot shadow box dog ear. At time of replacement, old pickets shall be replaced with a 6-foot shadowbox dog ear fence as shown below, OR Type 1, 6ft. privacy fence as depicted on pg.39.



- Dunhill** Types 1, 2 or 3 only
- Eagle Sound** No fences
- Edgewater** Types 1, 2 or 3 only
- Fairways** **5-foot** Type 1 with 18-inch lattice top



- Featherstone** 6-foot shadowbox dog ear fence around trash units; 3-foot shadowbox dog ear fence around mechanical units

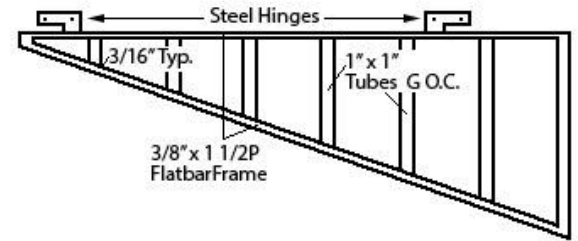
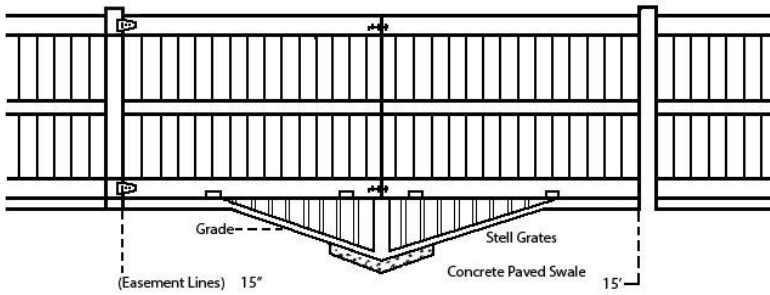
- Gleneagles** **4 foot** with 18" lattice top and cap



- Highlands** Types 1, 2 or 3 only
- Hollingsworth** Types 1, 2 or 3 only
- Images** Types 1, 2 only
- Ivystone** Dog ear flat only

- Lake Cambridge** Types 1, 2 or 3 only, with required drainage easement fence with gate when necessary. See next page for Lake Cambridge swale information.

Lake Cambridge Required Drainage Easement Fence w/ Gate. Steel sections must be primed & painted steel gray.



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

FIRE PITS See Grills/Firepits pg. 45

FLAGS, FLAG POLES AND DISPLAYS

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

Free standing flag poles are prohibited.

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

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

American flags shall not be flown upside down for longer than 1 day (as it is a sign of distress).

FOUNTAINS AND WATER FEATURES

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

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

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

GARAGE DOORS – See “Doors” pg. 35.

GARDENS

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

All other gardens require an Application.

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

All raised gardens shall be located in the rear yard.

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

GENERATORS

Exterior Standby Power Generators

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

Because of the intrusive nature of this equipment due to its large size, the resulting noise produced, and the

small Lot sizes in Kiln Creek, the Owner must exercise care in properly locating a standby generator on his or her Lot so as to minimize the visual and noise impact on their neighbors. The following general restrictions apply for Exterior Standby Generators:

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

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

Portable Generators

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

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

GEOTHERMAL HEATING AND AIR CONDITIONERS

All new Geothermal Heating and Air Conditioners require an Application.

GRILLS/FIRE PITS

Grills/Firepits shall be a minimum of five (5) feet from the property line. Permanent grills/fire pits require an Application. For portable grills/fire pits, see Rules pg. 11 for more information.

GUTTERS AND DOWNSPOUTS

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

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

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

HEATING AND AIR CONDITIONING UNITS

An Application is required prior to installation or relocation of an external heating and/or air conditioning unit. Replacement of an existing unit with a unit of similar size and in the same location as the unit being replaced does not require an Application.

Window and wall A/C units or window fans shall be allowed provided they do not protrude beyond the outer wall of the window or wall. No exterior heating and/or air conditioning units shall be located in the front of the

home and all units shall be suitably screened from view.

Equipment must be of a neutral/earth tone color.

LANDSCAPING

**See pgs. 12-13 for lawn care maintenance

An Application is required along with a plat or plan indicating the position and materials for the following: Uniformity is the goal. In no case shall landscaping beds cover the entire yard.

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

Landscape borders and bed covering (as described in #4) shall be a maximum of eight (8) inches in height above the ground level. The depth of edging shall be no deeper than 12 inches. If using landscaping rocks as edging, rocks shall be no smaller than 5 inches in length. All edgings should be earth tone or neutral in color and will be considered on a case by case basis (please present a sample). Edging must be maintained to original appearance. Only one style of bed edging permitted per bed. Edging taller than 8 inches in height will be considered a "wall" and will be reviewed on a case-by-case basis.

When installing landscaping materials such as stone, blocks, wood or bricks, such materials shall be uniformly stacked and neatly arranged. Over time, these landscaping materials may become disjointed or broken, at which point they shall be repaired or replaced with the same approved material. Segmented edging is not permitted; **except** as noted at the bottom of pg. 47. If installed, such segmented edging shall be recessed in the ground so that only the top "bulb" of the edging is seen.

Bed edging materials shall not be painted.

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

Please submit a sample of the bed covering to the ARB. If using rocks as bed covering, rocks shall be less than 5 inches in length. Rocks under 2 inches require an approved style of edging. *Replanting of existing beds or mulch replacement with earth tone or redwood stained mulch does not require an Application. Other colored mulch is not permitted.*

5. **Protective netting systems.**

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

6. No front yard shall be completely covered with landscaping/hardscaping. If rear side or side yards are to be completely covered with hardscaping, material shall be permeable.

*See Netting on pg. 53.

Flowerbed Edging and Borders

Please note that the following pictures are only examples. If you have something that varies, please contact the Association's office for further information.

Acceptable types of edging/borders:

Cement



Pavers



Rocks



Wood



Rubber (not black)



Stacked or Flat Stone



Metal



Brick



Please DO NOT install these types of segmented borders:



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

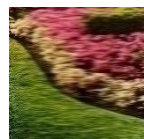
Exceptions: The only plastic borders permitted are displayed in the pictures to follow. These plastic borders are permitted because they are not decorative edging, they are borders to retain soil/mulch.

- “Bulb” Edging:** Please note that only the very top “bulb” is permitted to show. If we notice that this type of border has been installed higher than the “bulb”, we will ask that you place it further down into the ground.

Only Top Bulb Visible →
Recess Bottom into Ground ⇒



- “No Dig” Edging:** Please ensure this style of edging stays neatly secured in an upright manner.



LAWN/FLOWERBED ORNAMENTS

Lawn/Flowerbed ornaments shall be defined as including, **but not be limited to:** statues, fountains, sundials, figurines, bird baths, planters, weather vanes, whirligigs, plaques, garden signs/flags and furniture. All Applications must be accompanied by a plat layout of the location of each ornament and its type and size. Ornaments made of natural materials such as wood, pottery, stone or metal are preferred. Lawn ornaments may not portray any design, language or scene which may reasonably be construed as offensive.

Plastic Ornaments require an Application and will be reviewed on a case-by-case basis. Ornaments being placed in the lawn, rather than the flowerbed require an Application.

Artificial vegetation of any kind is prohibited.

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

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

One (1) Egret under 48 inches tall does not require an Application. One (1) birdbath on the property does not require an Application.

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

LAMP POSTS:

An application for exterior alteration is required for all lamp posts. Height not to exceed 7ft including fixture. **See underground utilities pg. 20.

LAWN FURNITURE

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

LIGHTING

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

1. Permanent Exterior Lighting

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

- a. **All new security lighting requires an Application.** Flood lights and various types of high output lights are considered security lighting. Exterior lighting of this category should be considered more

carefully because of the impact on neighboring properties. New light fixtures of this type should be aimed so that they illuminate only a specific area, such as a doorway. Some high output light fixtures may have to be shielded in a manner similar to some street light installations to prevent unwanted or excessive intrusion of light from one property to another.

- b. **All new low voltage yard, deck or house lighting requires an Application and will be considered on a case-by-case basis.** The style of the lighting should be complimentary to the style of the house. The Application must be accompanied by a plat showing the number and exact location of the fixtures. The top of the yard fixtures are not to exceed fifteen (15) inches above *ground* level. All low voltage lighting must be maintained in proper operating order.
- c. Decorative lighting requires an ARB application and will be considered on a case by case basis. Temporary decorative lighting for parties/events does not need an application, but shall not remain longer than 14 days. Any new structures in conjunction with permanent lighting also require an application. Permanent decorative lighting remaining longer than 14 days shall be limited to the following examples:



- 2. **Temporary/Holiday Lighting.** See Rules Item entitled “Holiday/Seasonal Decorations and Lighting” pg. 11. Typical holiday lighting is not permitted permanently and is therefore considered temporary. There are examples of temporary lighting:



MAILBOXES

Mailboxes for residences within Kiln Creek must be of the type specified in the lists and diagrams below.

Mailboxes shall be numbered. Mailbox numbers for the Colonial Style boxes shall be 3 to 4.5 inches in height and of same size, style and color. Stickers are not permitted (neighborhoods with exceptions are notated below with an *). Numbers shall be clearly distinguished from the post.

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

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

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

COLONIAL Mailbox Specifications

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

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

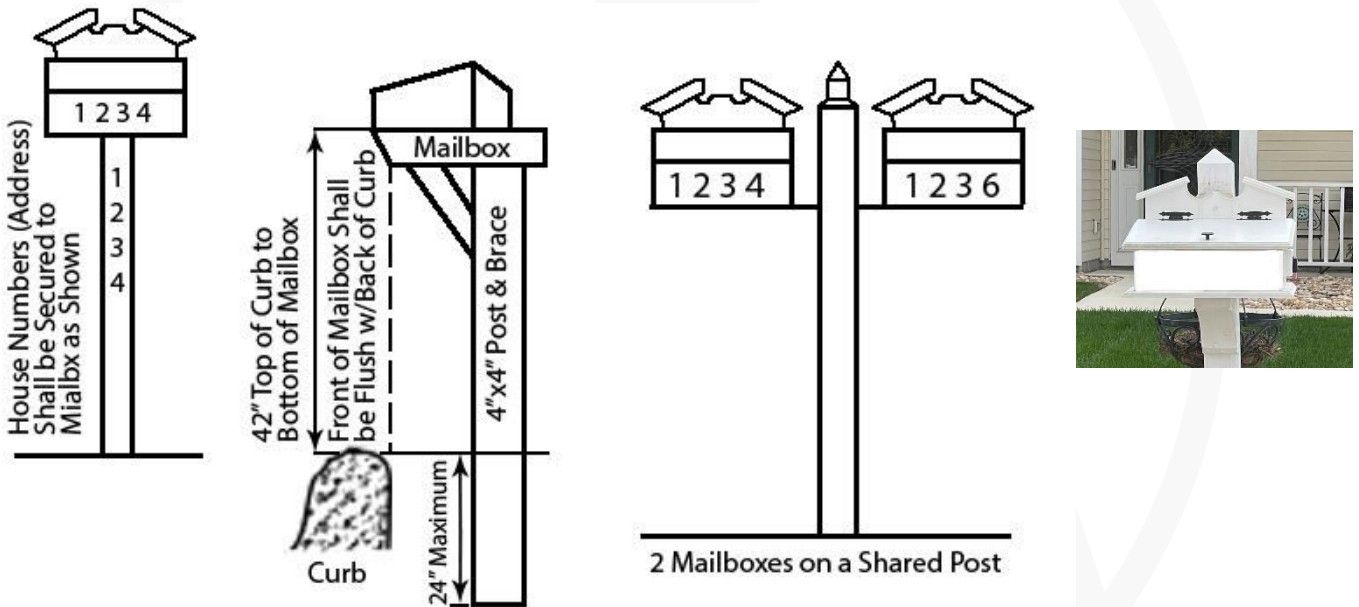
PVC models of the Colonial mailboxes are available at local hardware stores.

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

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

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

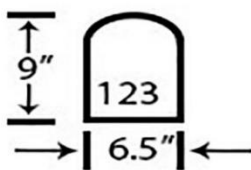
COLONIAL MAILBOXES



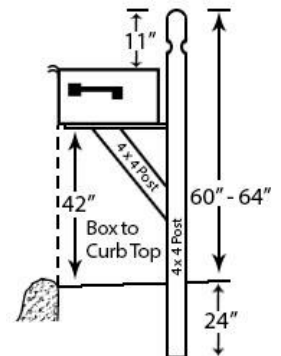
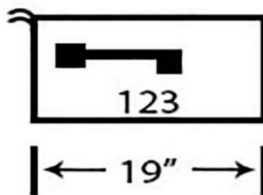
WILLOW POINT Mailbox Specifications (White Metal or Plastic)

House numbers must be on the front or side of the mailbox. Front of the box is flush with back of curbing. Post must be painted white.

Front View



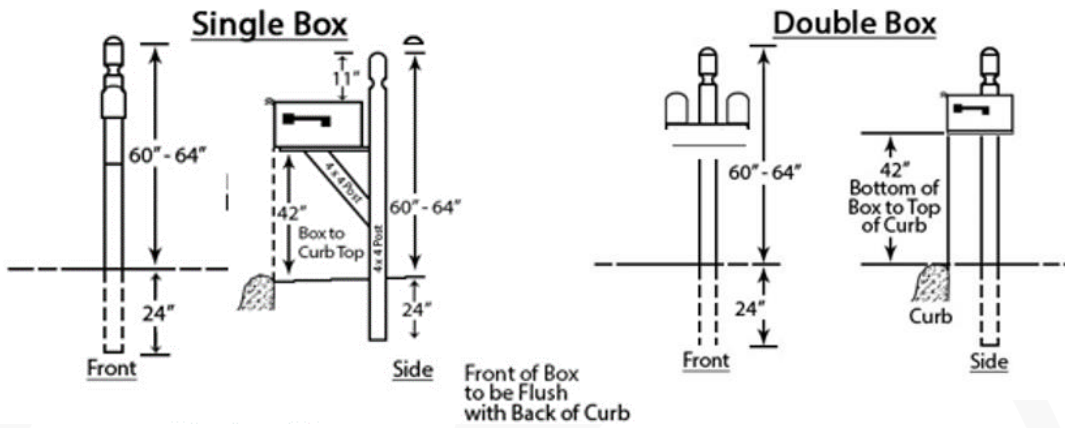
Side View



CLAYMILL CORNER Mailbox

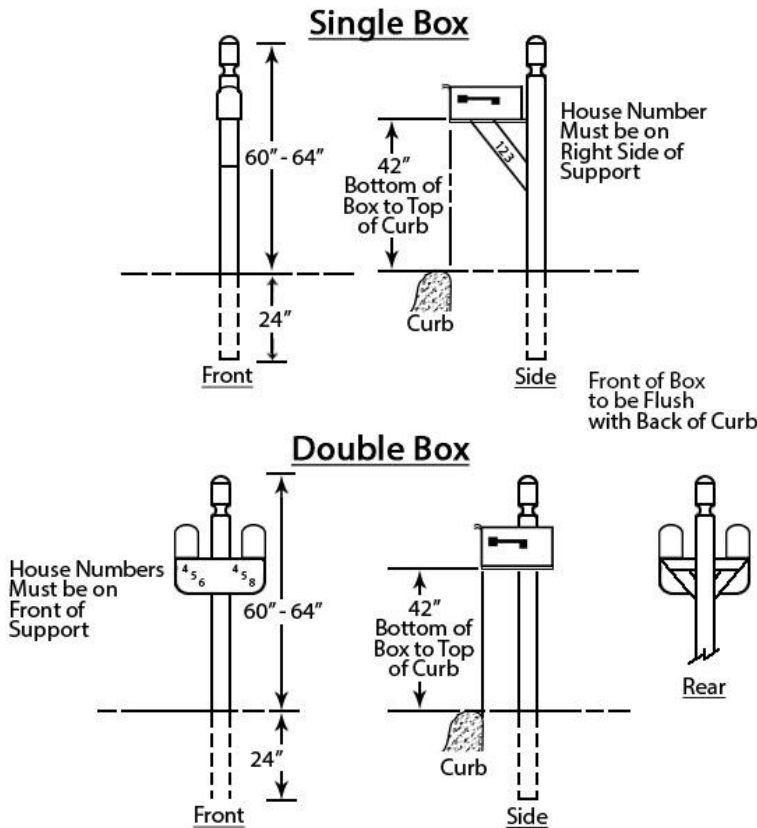
Black Plastic or Metal Mailbox. House numbers must be on the front or side of the mailbox. Front of the box is flush with back of curbing.

The mailbox post will remain natural wood, free of stain or paint; however, a clear weatherproofing agent should be applied as needed. *Exception: can have stickers; sticker numbers shall all match with the same size, height and color on each mailbox.



PLAYERS CHOICE Mailbox Specifications

White Metal or Plastic Mailbox. Post shall be painted white.



SOUTHLAKE Mailbox Specifications

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

Post must be painted white.



MAINTENANCE. As provided in Section 7.2 of the Declaration, each Owner shall keep all Lots and Parcels owned by him or her, and all Improvements therein or thereon, in good order and repair, free of debris, all in a manner and with such frequency as is acceptable to the Association and consistent with a first-quality development. Please see the Rules Item entitled “Maintenance”. Examples of such maintenance items contained in the Rules (pgs. 13-14) are:

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

MAJOR BUILDING ADDITIONS AND RENOVATIONS

All major building additions, exterior renovations and any interior renovation which alters the outside of the home (i.e., cutting new windows or doors) (“Major Renovation”) require an Application accompanied by working drawings and specifications and a copy of the physical survey and Plans.

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

During any additions or renovations, the property must be properly maintained. (See Rules Section entitled “Maintenance of Lot During Exterior Construction/Remodeling/Renovation” on pg. 14).

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

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

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

The following conditions shall determine the acceptability of additional locations:

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

NETTING

Netting shall not be used in a manner to protect physical property, as superior products can be installed to minimize damage to property from golf balls. Substantial, permanent structures will be considered on a case-by-case basis.

PAINTING AND STAINING EXTERIOR

Painting/repainting or staining an exterior part of the home does not require an Application as long as the Owner is not changing the color.

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

New or existing non-painted brick shall not be painted.

Painting of concrete or aggregate driveways, sidewalks, or walkways is prohibited. Concrete sealers are permitted and shall match as best as possible to the original color of the driveway, sidewalk or walkway.

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

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

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

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

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

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

1. All play equipment should be located behind the rear foundation line in such a way as to minimally affect any site line or neighbor's view and maintained in an orderly fashion. Whenever possible the equipment should not be visible from the street. The ARB will consider the site-line impacts on a case by case basis. ARB consideration will be given to those Lots unable to comply with this restriction.
2. Play equipment shall be no higher than fifteen (15) feet tall or within ten (10) feet of the Owner's property line. ARB consideration will be given to those Lots unable to comply with this restriction.
3. See the Rules Item entitled "Play Equipment, Strollers, Etc." page 17.

4. The ARB reserves the right in its sole discretion to limit the number of play equipment/structures depending on size and layout of the Lot.

ARB consideration will be given to those Lots unable to comply with this restriction.

RAIN BARRELS

All rain barrels require an Application, shall be of a neutral color, and preferably in the rear yard. Any variations will be considered on a case by case basis. Neutral colors include but are not limited to tan, brown, or earth tone.

RECREATIONAL/ATHLETIC EQUIPMENT – PORTABLE BASKETBALL GOALS

Permanent pole mounted or house mounted basketball goals are prohibited.

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

1. Only one portable basketball goal is permitted on a Lot.
2. Basketball goals may not be located on any Neighborhood street, Common Area, Neighborhood Common Area, common parking pad or parking lot.
3. Portable goals shall not be located within ten (10) feet of any Owner's property line.
4. The basketball goal must be properly maintained (including the net) and must be of proper construction.
5. The base of the portable goal must be filled with sand or other suitable material to provide stability to the structure. Objects may not be placed on the goal's base.
6. If the portable goal is to be folded down for maintenance or other reasons, it should be stored so as not to be visible from the street or neighboring properties.
7. Claymill Corner & Lakeside shall not have portable basketball goals. Individuals in other Neighborhoods will need to contact their management companies and/or check their Supplemental Documents to see if any additional restrictions on portable basketball goals may apply.

RESIDENTIAL IDENTIFICATION SIGNS (HOUSE NUMBERS)

All permanent signs except for house numbers require an Application.

No more than three (3) sets of house numbers are permitted. One set of numbers is required to be displayed conspicuously on the house and one set is required to be on the mailbox/post; except for those Neighborhoods with cluster mailboxes (see "Mailboxes" pgs. 49-50). An additional set may be displayed as a lawn/flowerbed ornament. Numbers should be 3 to 4.5 inches in height. Painting house numbers on the curbing is prohibited.

RE-SIDING, RE-ROOFING AND RE-STYLING

Re-Siding

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

Re-roofing

As of June 2019, all roofs being replaced are required to install an Architectural Style shingle, with the exception of the Willow Point neighborhood (see below). Changing from standard to architectural type shingles is required. Creased or sheet-style metal roofs are not permitted except for existing metal roofs over entranceways, dormers & porches, which may be replaced with the same material. Metal or solar roofs that conform to the appearance of traditional architectural style roofing require an application and will be considered on a case by case basis. Changes in shingle color requires an ARB application. Roof repairs do not require an ARB application so long as the replacement shingles are the same as the original or closely approximate in color and texture. Brand, color and warranty length are required when submitting an ARB Application.

All other cases, such as attached homes/condos with common roofs, changes in roof color and/or texture or roofing, require prior Application and ARB approval. A sample of proposed shingle shall be included in any Application if not available at the HOA office.

Houses sharing roofs/rooflines are permitted to have a combination of Architectural and 3 tab shingles, with the exception of the Willow Point neighborhood.

Willow Point roofs shall be replaced with Architectural Shingles under the following circumstances:

- a) When both owners of the duplex agree to replace the roof at the same time.
- b) When one roof of the duplex already has Architectural Shingles, the other owner shall replace their roof to match the existing Architectural shingles.

Willow Point roofs shall be replaced with matching 3-tab shingles under the following circumstances:

- a) When one roof of the duplex currently has 3-tab shingles and both owners of the duplex are not in agreement to replace the roof with Architectural Shingles at the same time.

Shingles that need to be repaired/patched without replacing the entire roof shall use new shingles that match the existing/current color of the roof as best as possible. Example: Black shingles that weather to gray, will need to be replaced with gray shingles in order to match the current color of the roof. In this case, please do not replace with black shingles because it will not match.

Re-styling

Re-styling requires an Application.

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

SECURITY CAMERAS: All security cameras require an application, except “Ring” or “Nest” doorbells (or equivalent), whose appearance blends with the existing architecture. Installation of any exterior camera MUST comply with all Federal, State, and Local laws or ordinances and ensure that any camera does not point towards an area in which any other resident has a reasonable expectation of privacy. **Owners are solely and independently responsible for ensuring that they adhere to all laws pertaining to audio and visual photography, live streaming, or recording. Owners shall be obligated to indemnify and hold harmless the Association, its affiliates, agents, or assigns, from any liability resulting from installation and use of security or doorbell cameras.**

SHEDS OR OTHER ACCESSORY STRUCTURES

**Consideration will be given to those Lots whose size makes them unable to comply with the following ARB restrictions.

1. A shed or other accessory structure requires an Application. The Application should include a detailed plan specifying the proposed structure's Lot placement, its dimensions, and the materials to be used. A sketch of the proposed structure accompanied by site plans, elevations, dimensions and height above grade are also necessary. Exterior walls, planes and masses should be of a scale compatible with the size of the Lot and the dwelling on the Lot. No detached garages or car ports.

Sheds and accessory structures are considered a major structural change and are not to be considered temporary structures; therefore, the construction must be of quality materials. (Refer to above Section entitled "Major Building Additions and Renovations").

Stick-Built sheds and accessory Structures: Homes constructed with siding shall match the same color siding for the shed/accessory structure as the dwelling. Homes having brick, stone, stucco or dryvit exterior walls (which are not practical materials for sheds), shall match the siding of the shed/accessory structure to the color of the dwelling as best as possible. All siding material shall be made of horizontal vinyl, composite, or engineered wood siding. Roofs of sheds/accessory structures shall be constructed with architectural style shingles and shall match the same color as the dwelling roof.

Large resin sheds shall match the dwelling in color and style as best as possible. Large resin sheds shall have metal or wooden framing (may not be made of entirely resin frames to ensure stability).

NO METAL, PLYWOOD or BATT & BOARD SIDING (T1-11) EXTERIORS OF ANY TYPE WILL BE ALLOWED ON SHEDS OR ACCESSORY STRUCTURES.

Only one (1) shed per Lot will be permitted. The overall base area of such structure shall not exceed one-hundred and fifty (150) square feet with a maximum height of ten (10) feet from ground level. Such a structure shall be of a mass and scale compatible with the size of the Lot and the dwelling. Sheds must be located at least five (5) feet from the property line.

All sheds/accessory structures over 25 sq ft, shall be anchored firmly in place, either to a concrete slab, a suitable foundation of cement block, or secured with screw anchors to reduce the possibility of the shed or accessory structure becoming detached in a severe wind storm.

The shed or accessory structure shall be located behind the rear foundation line of the dwelling and be located in such a way as to minimally affect any sight-line or neighbor's view, when possible. The ARB will consider the sight-line impacts on a case-by-case basis and each case will stand on its own merit regardless of whether similar cases have been previously approved for other Owners in the area.

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

2. Smaller Rubbermaid and similar molded plastic resin storage structures, excluding a shed which is addressed in the previous paragraph require an application, shall be made of heavy duty, quality material with a height of no more than sixty (60) inches and have a floor area no greater than twenty-five (25) square feet. Color must be neutral and remain unpainted. They must be placed behind the rear foundation line of the dwelling immediately adjacent to the dwelling such as on a deck or patio, so as not to block a sight line or neighbor's view.

3. All other storage containers require an application except for deck boxes less than fifteen (15) square feet.

4. If shed or storage structure becomes faded, weathered, worn or in general dis-repair, maintenance rules shall apply, and you may be asked to replace parts or entire shed depending on severity of maintenance required. Please be aware that resin style sheds may fade/weather faster and may require repairs/replacement more often than stick built sheds.

SKY LIGHTS AND SOLAR TUBES: New Installations of sky lights and solar tubes require an application.

SOLAR COLLECTORS

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

The proposed solar panels shall:

- lie flat upon the dwelling's roof
- conform to local building/county, electrical and plumbing codes

*Please ensure to provide documentation from properly licensed contractor

*Please consider age of roof prior to installation

SPRINKLER SYSTEMS / IRRIGATION

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

Backflow preventers should be located on the side or rear of the house. Backflow preventers shall be shielded from view from the street and neighboring properties whenever possible, and shall be located within the property lines. Water wells are not permitted. (See "Water Wells" pg. 60)

STORM DOORS / SCREEN DOORS

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

Storm doors shall be full view and have clear, uninterrupted glass, top to bottom (ventilating doors shall be full view in each section).

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

All decorative film/coverings require an Application. Double door entries require two (2) matching storm doors.

For the single rear doors that face a back yard, deck or patio, a self-storing storm and screen combination door is permissible with the colors to match the existing trim around the door or be white. See also, "Window/Storm Door Tinting & Films" pg. 60-61.

See next page for storm door examples

Full View
(front or rear)



Full View Ventilating
(front or rear)



Half View Ventilating
(REAR only)



SWIMMING POOLS, HOT TUBS AND SPAS

Above ground pools are prohibited, unless a temporary variance is granted by the Board of Directors for the current year. Wading pools are permitted without Applications. However, depth shall not exceed one (1) foot and diameter shall not exceed six (6) feet. All such pools shall be drained at the end of each day and shall be stored out of sight; however, they must be located so as to be drained without affecting neighboring properties.

Hot Tubs and Spas

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

1. Whether installation requires excavation, and if so, the effect of excavation upon adjacent properties, lakes, and other topographical features and environmental impact.
2. Electrical source & connections shall be installed by a licensed contractor.
3. A scale drawing showing the proposed tub or spa situated on the plat.
4. The visual effect on adjacent properties.
5. Shall be drained in a manner that does not affect neighboring properties.

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

Inflatable hot tubs are **not** permitted.

In-ground Pools

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

TRASH CONTAINER ENCLOSURES

Trash enclosures require an Application. If applying a color stain to the enclosure, then the stain color should be chosen from the approved stain color palette or painted to match the trim.

TREE AND VEGETATION REMOVAL/INSTALLATION

The Association encourages the conservation of all trees and vegetation in our community. The **following trees/shrubs require that an Application** be submitted and approved *before* they can be removed/installed:

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

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

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

The ARB may require replacement of a tree or shrub that is removed by replacing with new planting at the first appropriate planting season. The ARB encourages trees that reach maturity in five to seven years. Trees recommended by the ARB include, but are not limited to, the following:

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

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

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

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

TRELLISES, PERGOLAS, ARBORS, GAZEBOS, TEMPORARY GAZEBOS, CANOPIES, PRIVACY AND SCREENING WALLS

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

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

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

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

TRIM

Wrapping existing wood trim with a synthetic material or aluminum is permitted without an application. Color shall match current trim color or be white. A change in trim color requires an application.

VENTS & VENT COVERS

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

WATER WELLS

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

WINDOWS

Window Screens

In order to maintain a uniform appearance, if one double-hung window has a screen then all double-hung windows must have screens.

Replacement Windows

All window replacements require an Application. In order to preserve the original architectural styling of the house, replacement windows shall retain, as closely as possible, the same style as the original window configuration.

Acceptable window grid styles shown below are optional; however, windows shall all have grids of the same style or all have no grids. Exceptions will be made on a case by case basis.



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

Etching

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

Faux, spray-on etching or frost is not permitted. (Holiday decoration permitted within guidelines on pg. 11)

Window/Storm Door Tinting and Film

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

Decorative Window Films

All decorative window films on sidelight windows and transom windows require an Application. In no case shall window clings be used on all windows.

Window Treatments: See Rules on pg. 20.

WIND POWERED GENERATORS

Wind powered generators require an application.

OTHER ALTERATIONS

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



Exhibit 1

List of Villages with Separate Associations (“Separate Associations”)

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

Neighborhood	*Management Company as of January, 2024	Telephone Number of Management Company
Cascades	Community Group	757-873-1800
Claymill Corner	KCOA	757-877-9835
Eagle Sound	Diamond Management	757-344-6941
Fairways	Harrison & Lear	757-825-9100
Gleneagles	Harrison & Lear	757-825-9100
Images	Chesapeake Bay Management	757-534-7751
Ivystone	Chesapeake Bay Management	757-534-7751
Lakeside	KCOA	757-877-9835
Masters	Harrison & Lear	757-825-9100
Pinehurst	Chesapeake Bay Management	757-534-7751
Players Choice	KCOA	757-877-9835
Sanctuary	United Property	757-873-1185
Shoreline	Community Group	757-873-1800
Southlake	KCOA	757-877-9835
Westgate	Advanced Assoc. Mgmt.	757-873-0111
Willow Point	Harrison & Lear	757-825-9100
Windbrook	Advanced Assoc. Mgmt.	757-873-0111

*Management companies subject to change at any time. Please contact the HOA office to confirm.



970 BRICK KILN BLVD.
NEWPORT NEWS, VIRGINIA 23602 PHONE
(757) 877-9835 FAX (757) 877-9862

APPLICATION FOR EXTERIOR ALTERATION

AFTER THE FACT _____

NEIGHBORHOOD: _____ LOT NUMBER: _____

NAME: _____ EMAIL: _____

ADDRESS: _____ PHONE: _____

DESCRIPTION OF ALTERATION: _____

[] YES [] NO IS THIS AN APPLICATION FOR A MODIFICATION RELATING TO A DISABILITY? IF SO, PLEASE COMPLETE PART B OF THIS APPLICATION

PLEASE COMPLETE A SEPARATE APPLICATION FOR EACH IMPROVEMENT.

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

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

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

FOR COLOR/MATERIAL CHANGE

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

FOR TREE REMOVAL

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

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

If the above information is not supplied and the ARB must obtain further information, the cost will be incurred to your account pursuant to the KC Declaration Article VI, section 6.3, "The Architectural Review Board may engage or consult with architects, engineers, planners, surveyors, attorneys and others. Any person seeking the approval of the ARB agrees to pay all fees thus incurred by the ARB and agrees to pay an administrative fee to the ARB in such amount as the ARB may from time to time reasonably establish. The payment of such fees is a condition to the approval or disapproval by the ARB of any plans, and the commencement of review of any plans may be conditioned upon the payment of the ARB's estimate of such fees."

All applications must be submitted to the VKCOA office. Applications are reviewed twice a month, so please plan to allow adequate time to receive a response. If you have any questions call the ARB Coordinator at the VKCOA office (877-9835). Applicants may attend the ARB meeting.

I / We understand the above information and that any damage that may occur during the course of this alteration are my/our responsibility, whether the damage is done to common property or private property (including, but not limited to underground wiring, landscaping, roadways, etc.). By signing this application, I permit VKCOA to communicate with my sub-association or neighborhood management company, Neighborhood Board and/or Neighborhood Advisory Committee regarding this request for exterior alteration.

*OWNERS' SIGNATURE(S) _____ DATE: _____
DATE: _____

Note: All record Owners must sign.

Neighborhood _____

Lot # _____

FOR ARCHITECTURAL REVIEW BOARD USE ONLY

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

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

*** NOTE –ALTERATIONS MUST BE COMPLETED WITHIN 12 MONTHS FROM THE EFFECTIVE DATE ABOVE, OR A NEW APPLICATION MUST BE SUBMITTED.**

COMMENTS:

REVIEWED BY: _____



Dear _____:

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

- Question #1 – Fill in the name and phone number of the member of the household who has the disability and describe the disability.
- Question #2 - For a **physical change to the Association’s property** put an “x” in the first section then describe the change that you need. For a physical change to your property, put an “x” in the second part of the question #2 and describe the modification that you need.
For a **change in the rules, policies, practices, procedures or services**, put an “x” in the third part of question #2 and describe the change that you need.
- Question #3 – If the reason for such request is not obvious based on the description of the disability, describe how the change that you are requesting will change or assist in some aspect of your disability.
- Question #4 - Enter the number of days by which you need a response.
- Question #5 – Put an “x” beside the applicable section indicating whether the disability is visible or not visible. If the disability of the resident is not visible, please enter a health professional who can confirm that you (or other member of your household) are disabled and that the change that you are requesting would assist you (him/her) with that disability.
- Be sure to sign the form prior to sending it.

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

Sincerely,

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

ARB Supplemental Disability Application (cont'd)



Request for Reasonable Accommodation / Modification

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

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

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

Name: _____
Address: _____
Phone: _____

Describe Disability: _____

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

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

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

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

A change in the following rule, policy, practice, procedure or service:

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

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

5. Check one of the following:

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

Name: _____
Address: _____
Phone: _____

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

Signed: _____

Date: _____