

MILL CREEK HARBOR HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES March 3, 2011

REQUIREMENT TO OBTAIN APPROVAL FOR EXTERIOR CHANGE

Reference to the Mill Creek Harbor Homeowner's Association Covenants: Submission of Plans to Architectural Committee

After transfer of title to any Lot or any other portion of the Property by the Developer or a builder to a Public Purchaser, no exterior addition, modification or alteration shall be made on or to such Lot or other portion of the Property or to the improvements located thereon, unless and until a written plan in such form and detail as the Architectural Review Committee (ARC) requires, has been submitted to, reviewed and approved by the Architectural Review Committee. A reasonable fee may be charged and collected for processing each submission.

APPLYING FOR APPROVAL OF EXTERIOR ALTERATIONS

1. Homeowner obtains an application from the association manager.
2. Homeowner returns completed application to the Manager.
3. Manager logs in application and supporting documents. If the request form is incomplete, the Manager should explain to the homeowner that it might be rejected because it lacks required information. The homeowner will be advised that an answer to his application will be sent to the applicant within 7 days after the next ARC meeting.
4. The ARC will meet once a month, the Manager will give all applications to the ARC prior to scheduled meetings.
5. All applications will be returned to the manager for retention in the Association files. The homeowner will receive a copy of the approved or disapproved application from the Manager.

WHAT MAKES AN APPLICATION COMPLETE

An application is complete when it provides the ARC with enough information to completely analyze the alteration requested. In addition to providing all the required information on the application form, the homeowner may need to submit supporting documents. Some examples of supporting documents are as follows:

Description of Alteration: Required for all applications. It can be detailed or simple statements, depending upon the complexity of the alteration and supporting information documents. Drawings, photos and sketches are fine. Plat is also needed to show placement.

Description of Materials: Will allow the ARC to maintain uniformity within the area.

Contractor's Proposal: Not required, but would provide the ARC with additional information.

This list is not all-inclusive, but shows some of the documents that the ARC may require

supporting the applications.

WHAT TO DO IF APPLICATION IS DISAPPROVED

If an application is disapproved, the homeowner has the right to appeal the decision to the Board of Directors. The homeowner should contact the Manager for the procedures to file an appeal.

Before filing the appeal, however, the homeowner should first consider why the application was disapproved. If the owner is willing to accept changes recommended by the ARC (if any are made), the homeowner may submit an amended application using the previously submitted application as a supporting document, and indicating the changes that will be made to make the application acceptable. If information was missing from the application, the homeowner should resubmit the application with the required information. In any event, any applications resubmitted will restart the thirty-day period.

WHAT IF HOMEOWNER DOESN'T WAIT FOR APPROVAL

If a homeowner begins alterations without first obtaining written approval of his plans, he does so at his own risk. If he fails to submit an application or if the application is denied or modified, he will be responsible for the cost of removing or altering the exterior change plus the cost of litigation, if necessary.

COMPOSITION OF THE ARCHITECTURAL COMMITTEE

The Architectural Review Committee (ARC) consists of three regular members and one alternate member. A member is not required to be an architect or to have any other particular qualifications. In the absence or disability of any regular members, the remaining members may designate the alternate members to act as substitutes.

The ARC members are appointed and may be removed by the Board of Directors. The term of appointment is for a period of three years and until the appointment of a successor. Any new member appointed to replace a member will serve that member's unexpired term.

The duties of the ARC are to consider and act upon applications for alterations, to adopt Architectural Committee Rules, and to perform other duties imposed upon it by the Mill Creek Homeowner's Association.

The ARC shall meet when necessary to perform its duties. The vote or written consent of any two regular members shall constitute the act of the committee. The committee shall keep and maintain a written record of all actions taken. Members are not compensated for their services. For additional information about the ARC, refer to the Mill Creek Harbor Declaration of Covenants, Bylaws, Restrictions and Easements.

WHAT IS THE PROCESS FOR COVENANT ENFORCEMENT

Enforcement of the covenants is the responsibility of every resident. If an exterior modification is being made without approval or if there is a property maintenance problem, the resident should notify Management concerning the problem. If compliance with covenants does not occur, then the resident should contact the ARC to report the violation. When architectural complaints are brought to the attention of the ARC and the Manager, they are kept confidential and are reviewed as promptly as possible. If a complaint is found to be a violation, the property owner will be contacted and asked to correct the problem either by removal, submission of an application, or repair in case of a maintenance problem. If correction is not made, legal action may be pursued at the homeowner's expense.

HOW CLOSELY MUST A HOMEOWNER ADHERE TO THE GUIDELINES IN THIS BOOK

The covenants give to the Architectural Committee the responsibility to recommend to the Board of Directors on rules and procedures for architectural control, the opinion of covenants interpretation, and the responsibility to recommend exceptions on restrictions where applicable.

MAJOR BUILDING ADDITIONS

A full application is required including drawings of the proposed addition and a copy of the homeowner's physical survey.

1. Major building additions include, but not limited to green houses, porches, sunrooms, and covered decks.
1. In order to be aesthetically pleasing, the design of major additions must be consistent with the existing shape, style and size of the dwelling in the following way:
 - a) Siding, roofing, trim materials and colors must be the same as, or compatible with the existing materials of the dwelling in color and texture.
 - b) New windows and doors must match if possible and be compatible with those of existing dwelling style and color.
 - c) Roof eaves and fascias must be the same depth, style and approximate height as existing eaves and fascias. New roofs must be the same approximate slope as those existing on the dwelling. Building facades may be comprised of brick, and vinyl siding.
3. The following conditions shall determine the acceptability of addition locations.
 - a) Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent residences or the public's use or enjoyment of open space. New windows, doors, or viewing areas from the addition should not infringe upon existing internal or external private area of adjacent residences.
 - b) New additions should not create situations in which adjacent neighbors will have difficulty maintaining existing dwellings.
 - c) Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.

4. Breaking Ground:

Virginia State Law requires the applicant or contractor of the applicant contact MISS UTILITY @1-800-552-7001 for underground utility marking prior to any excavation or digging. MISS UTILITY is allowed 3 working days to have utilities marked and to issue a clear ticket to applicant or agent of applicant. No excavation shall occur until MISS UTILITY issues a clear ticket. This is a free service to anyone who calls. No machine excavation is permitted within three feet of marked utilities (hand excavation is required within three feet). Failure to contact MISS UTILITY can result in fines imposed by the state and being held personally responsible for any damaged utilities. Again this service is FREE and limits liability to applicant.

MAINTENANCE

Reference to the Mill Creek Harbor Homeowner's Association, Inc. Covenants

Quality and Frequency of Maintenance and Repairs

All maintenance, repair and replacement shall be of a quality and appearance consistent with the enhancement and preservation of the appearance and value of the property. The Association may establish reasonable schedules and regulations for maintenance, repair and replacement of exteriors, walkways, driveways, fences, lawns and plantings on the Property which schedules and regulations shall take into account the useful life of any painting and exterior materials and the enhancement and preservation of the appearance and value of the

Property.

VIEW FROM NEIGHBORING PROPERTIES

“Visible from Neighboring Property” shall mean, with respect to any given object, that such object is or would be visible, in whole or part, from the front of the property or along the street to which the property resides.

ANTENNAS

Antennas, satellite dishes and like devices can have a sizeable detrimental effect on a community’s appearance, so reference the Mill Creek Harbor Homeowner’s Association Covenants. Antennas are subject to rules as may from time to time be adopted by the Association. Antennas shall be limited to television antennas only. Radio Antennas and towers to support any radio antenna are prohibited. Application must be submitted to the ARC for all satellite dishes and antennas.

ATTIC VENTILATORS/FANS

The following guidelines are not applicable to plumbing or furnace vents, which are governed by building codes. The following guidelines are intended to help balance individual economic interests with neighborhood aesthetics concerns:

1. No part of the ventilator should be visible from a street to which the home resides.
2. The ventilator should protrude no more than twelve (12) inches above the roof surface.
3. To camouflage the ventilator, all exposed parts should be painted the color of the surface from which the ventilator protrudes.
4. Blocking airflow through the ventilator should be accomplished from the inside of the home. Homeowners should use caution as blocking airflow may result in ventilation and maintenance problems. Blocking of any roof vent is not recommended.

AWNINGS AND TRELLISES

Awnings and trellises can effectively control glare and excessive heat buildup on windows and doors. As a result, they may reduce both energy consumption and utility costs. However, these sun control devices can have an effect on the appearance of both a home and the surrounding neighborhood. Hence, whenever the proposed awning or trellis will be visible from neighboring property, an application must be filed.

1. Compatibility with the home architectural character, i.e., style, color and materials, preferably cloth and/or wood, all of durable exterior quality materials.
2. Design of the sun control device should be straight forward without decorative fringes, etc
3. Consistency with the visual scale of the home to which the devices will be attached.
4. Effects of awning or trellises on views, sunlight and natural ventilation of neighboring properties.
5. Compatibility with overall community design. If the proposed awnings will be removed for winter storage, pipe frames also must be removed. In addition, awnings are to be well maintained and kept clean and free of rips and holes.

SKATEBOARDS AND BIKE RAMPS

Bicycle or skateboard “ramps” are only permitted within the residential property. Any structure constructed for the purpose of a “ramp” for bicycles or skateboards must be stored in the rear of the home at the end of the day (sundown) or when not in use.

No structures will be constructed in the street for the purpose of a “ramp” for bicycles or skateboards. Any other activities in the street shall not impede the flow of traffic.

No permanently constructed ramps are permitted.

BASKETBALL BACKBOARDS

Basketball goals may be temporarily placed in driveways in front of the dwelling, but they must be stored behind the front foundation line of the house at the end of each day. Any permanent installation must be behind the rear house line.

BOATS, TRAILERS, TRUCKS, RECREATIONAL VEHICLES, VEHICLE REPAIR

No boats, campers or other recreational vehicles shall be parked or stored in front of the house line (must be located in side or backyard) and must be appropriately screened from view from public streets and neighboring lots.

No work on any motor vehicles, boats appliances or machines of any kind shall remain visible for a period greater than three (3) calendar days. Neither combustibles nor unsightly materials nor any other nuisance materials may be stored in truck beds.

CLOTHESLINE AND OUTDOOR CLOTHES DRYING FACILITIES ARE NOT PERMITTED

DECKS

A complete application is required for a deck. Applications should include the following:

1. A description of the material to be used.
2. An illustration of the proposed deck, including railings and stairs, all dimensions and height above grade.
3. An explanation of any relocation of windows or doors, meters and heating and air-conditioning housings.
4. A description of any changes in exterior lighting (refer to lighting).
5. Latticework or a skirt may be required per City Ordinance.

The ARC recommends that all visible portions be exterior quality wood, such as salt-treated, cedar or redwood.

DOG HOUSES AND DOG RUNS

All doghouses and runs must be located behind the rear foundation line and within a fenced yard.

They should be positioned so as not to create a nuisance. If the doghouse is visible from neighboring property, it should be painted and roofed to match the home.

DRIVEWAYS

Owners of homes in Mill Creek Harbor are responsible for maintaining and keeping in a neat clean manner their respective home driveways. Driveways are constructed of Portland cement.

No application is required for driveway repairs, however, repairs must not alter driveway dimensions and they must be made with Portland cement of adequate strength for its use. A variety of Portland cement mixes are available. In order to limit future maintenance problems, care should be taken to select the proper mix and color of sand filler to match the existing driveway color and texture.

ARC applications are required for any additional driveways or extensions of existing driveways. A drawing of any changes should be submitted along with the application.

FENCES

In order to retain the aesthetic qualities of the neighborhood, the following restrictions relating to fencing will be enforced:

- a. No fencing allowed in any front yard.
- b. No fence shall be in excess of 6 feet in height and no chain link fences shall be allowed. Small dog kennel fencing may be allowed so long as it is properly screened and located away from neighboring properties and public right-of-ways.
- c. All fence panels shall be constructed on the outside of all support posts. No fence posts shall be visible from the outside of the fenced area.

GRILLS

Grills must be located behind the home rear foundation line and must not be visible from the street to which the residence resides. Homeowner should keep grills away from Vinyl Siding as they will melt and damage said siding.

GUTTERS AND DOWNSPOUTS

Proper home maintenance requires that gutters and downspouts be kept in good condition. When replacing existing gutter and/or downspouts or portions thereof, no variance application is necessary. However, an application is required if in any way altering, i.e., changing color or relocating the existing systems. Prior to installing gutters and/or downspouts additional to those present at time of original sale, an applications must be filed with the ARC.

HEATING AND AIR-CONDITIONING SOURCES

Heating and air conditioning units other than those originally provided by the builder, or replacement thereof, shall not be visible from the street to which the residence resides. Any additional units are to be restricted to the rear of the property. Any unit proposed for the side of the property shall require an application to the ARC.

LANDSCAPING

Lawns, trees and shrubs must be maintained. Dead landscaping shall be removed and/or replaced. Homeowners are not required to apply for changes to landscaping with the ARC. Landscaping equipment, such as lawn mowers, edgers, etc., shall be stored out of sight of the street or neighboring property, preferably in a garage or shed.

LIGHTING

The replacement of an existing light fixture, if accomplished with an exact match to old fixture, does not require approval from the ARC. If a change in style, size, shape, color or positioning is desired, or if additional light fixtures, an application is required. Permanent exterior lighting should be installed so as not to shine on adjacent occupied property, and should be

aesthetically planned for each location. Decorative holiday and festival lighting does not require approval; however, holiday lighting shall not be operative prior to the 26th of November in any year, and remain no later than the following 7th of January. All holiday decorations must be completely removed by January 22nd.

PAINTING AND MAINTAINING EXTERIOR

In accordance with the Covenants and to ensure a continued attractive neighborhood appearance, exteriors of all homes and of accompanying structures must be kept neatly and adequately painted and/or maintained. If a home or other structure is to be repainted with same color, no application is needed. However, the old and new colors must match.

To avoid unusual colors and maintain visual harmony within the Association, changes in color may be permitted, however would require an application to the ARC.

The Committee will consider color change application on the basis of the following:

1. The material used to affect the change, i.e., and the type of paint, sealant or stain to be used.
2. The effect of the proposed color combination on the neighborhood's appearance.
3. More specifically, the Committee will review the proposed combination itself, the new combination in conjunction with the home shingle color, and the visual effect of the proposed colors on the immediate neighborhood.

The Committee also advises using no more than three different colors including trim areas on a particular home.

RE-SIDING AND RESTYLING

The covenants require all structures to be properly maintained. In addition to keeping siding adequately painted, siding itself must be kept in good repair. Whether siding is to be wholly or partially replaced, no application is necessary so long as replacement siding is identical to the original siding with respect to not only material, but also dimension. If replacement siding will be a type other than the original, a variance application is required.

The ARC's primary concerns will be the suitability of the proposed siding material and the visual effect of the new material on neighboring homes. To preserve visual continuity, new siding should resemble original siding as closely as possible.

Replacement siding must be painted the original builder color or a previously approved color. Otherwise, an application for color change is necessary.

Restyling is any relatively permanent change, which alters the exterior appearance of a home. It includes the addition of, or changes in, porches, porch railings, and shutters.

Unless the proposed alteration will not be visible from neighboring property, an application must be filed. The application should be thorough and should include a detailed plan specifying the materials to be used, paint colors, dimensions and any other pertinent information. A sketch of the completed project should also be provided.

ADVERTISING SIGNS

No additional sign of any nature shall be placed on any Lot or other portion of the property and/or fence. Approved signs are: security signs, contractor signs during construction and one For Sale or For Rent sign.

SHED AND TOOL STORAGE

A shed or other storage structure requires an application. The application must include a detailed plan specifying the proposed structure's lot placement, its dimensions, its roofline, its color and the material to be used. A sketch of the completed structure along with a copy of the plat is necessary.

Storage structures must be constructed with a floor fabricated of concrete, wood or similar material. All sheds, detached garages, pools, gazebos and other structures shall be located behind the rear foundation line of the home. Materials will be in the same colors and type as the primary residence to include but not limited to vinyl siding, asphalt shingles, doors and windows. Structure should remain unembellished and appear as a natural structure of same construction and appearance as home.

All City codes will apply and permits are required from the City's Department of Permits and Inspections. Location of the shed must meet City minimum setback requirements. The homeowner will be responsible for moving any shed that is placed on an easement.

SOLAR COLLECTORS

Due to the large visual impact solar panels can have on a community, solar panels will be allowed only with an approved application from ARC. Solar panels must be installed on the rear of the house with pipes painted to match the house.

STATUES, FOUNTAINS, ORNAMENTS, AND LAWN FURNITURE

Any statues, fountain and/or ornament, including but not limited to flag poles, weather vanes, etc., requires an application only if it will be visible from street for which the residence resides.

Proposed statues, fountains and ornaments should blend with the architectural style of the home and should have minimal visual and physical impact on neighboring properties.

SWIMMING POOLS, HOT TUBS AND SPAS

An application must be filed prior to installation of all pools, hot tubs, and spas. The ARC will consider these applications on a case-by-case basis, looking primarily at the potential effects of the proposed pool on neighboring and adjacent properties. In particular, the Committee will examine planned excavation. All pools must comply with City codes. In addition, all pools must be within a back yard that is enclosed within a six (6) foot fence.

The ARC's primary concern is the effect of drainage upon adjacent lots. The considerations for application review are:

1. Whether installation requires excavation and if so, the effect of excavation upon adjacent properties.
2. Pool water is not permitted to drain into the lawn/yard area.
3. If the tub or spa will be visible from neighboring property, and the visual effects on adjacent properties.

Remember that any structure to be built in conjunction with the proposed pool, hot-tub or spa (e.g., trellises decks, etc.) not only may require a building permit, but will also require an application. Finally, once installed, pools, tubs and spas must be operated so as not to become a nuisance.

SWING SETS, SANDBOXES, AND PLAY EQUIPMENT

Play equipment shall not require an application to the ARC nor property fencing. The following guidelines shall be used for standards associated with said play equipment:

1. Wood Equipment shall be constructed of salt-treated, redwood, or manufacturer applied epoxy polymer coated material.
2. Metal equipment should be painted in a color as not to detract from the home.
3. All equipment shall be located behind the rear foundation line of the home.
4. All equipment shall be continually maintained to include but not limited to refinishing should finish rust or severely fade, replacement of broken parts, sealing or coating wood structures.

Should equipment cease to be functional or repairable, equipment shall immediately be removed from the property.

TRASH STORAGE AND COLLECTION

In any neighborhood, garbage and recycling storage is particularly important. Improper storage can lead to not only a shabby neighborhood appearance, but also health, odor problems, and may attract wild animals.

All trash, garbage and recycling stored on properties within the Association must be kept in city provided containers for collection. Containers are to be placed along the street weekly for City collection on date as predefined by the City. Containers shall be stored neatly behind the front foundation line of the home. Containers stored along the side of the home shall be pulled snugly to the exterior side of the home providing a clean organized view. No structure to conceal containers is required as long as containers remain behind the front foundation line of the home and if stored along the side of the home, are neatly and snugly stored against the side of the home. Should the home owner desire a permanent structure to screen said containers, home owner would be required to file an application to the ARC for review. Non-permanent structures would not require ARC review.

Bulk trash shall not be stored to which it may be visible from the street to which the residence resides. Bulk Trash shall not remain on the property for a period longer than the upcoming Bulk Trash collection dates, which currently would not exceed one week. Bulk trash should remain in an enclosed environment (i.e. Garage, Interior of Residence, etc.) or rear of the exterior of the property until collection of bulk waste as defined above. Bulk trash guidelines above exclude lawn & landscape items, however lawn and landscape items must not reside along the street for greater than a week (this permits adequate collection of said items). Landscape items may be stored in plastic bags for disposal.

WOODPILES

Woodpiles do not necessitate filing an ARC application. However, all woodpiles must be located behind their respective home's rear foundation line, within its fenced yard and not be in contact with the ground. In no instances should a woodpile be visible from a street or a neighbor's view. Height shall not exceed the height of the fence enclosing them and must be placed no closer than three feet from any Association maintained property. Homeowners are responsible for complying with Fire Department Codes regarding wood storage.

OTHER ALTERATIONS

When a guideline is not available for the project you are proposing, an application should be filed providing complete information.

Please note:

Information contained in this book was developed and intended to be a reference guide only. The Bylaws will continue to be used in making any decision on ARC applications and enforcing the rules and regulations of Mill Creek Harbor Homeowner's Association. If any portion of this guide differs, the Bylaws will continue to be the governing document.

DUE PROCESS

Please be aware that the Association will adhere to the rules established by the Property Owners Association Act of Virginia and your governing documents to enforce all rules and regulations and issue any related charges. Please contact Management if you have any questions on the procedures for due process.

Fines may be imposed:

According to the Property Owners Act, it states “The amount of any charges shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed fifty dollars for a single offense or ten dollars per day for any offense of a continuing nature and shall be treated as an assessment against the member’s lot for the purpose of Section 55-516 of the Property Owners’ Association Act.

However, the total charges for any offenses of a continuing nature shall not be assessed for a period of over ninety days. After the date a lawsuit is filed challenging any such charges, no additional charges shall accrue. If the court rules in favor of the Association, it shall be entitled to collect such charges from date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action. Due process hearings will be conducted in a fair, businesslike, confidential, and impartial manner.