

LANDFALL

at Jamestown
Design and Environmental Standards

As Amended Through November 27, 2018

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1.00 PURPOSE AND INTENT

The following design and environmental standards are established for the enhancement of property value for LANDFALL at Jamestown through the controlled development of harmonious architectural styles, aesthetically pleasing home sites and consistently high quality maintenance of all community areas, common areas and private property within and throughout LANDFALL at Jamestown.

These Residential Development Criteria are supplementary to the Covenants and Restrictions which are recorded in the Clerk's Office of the Circuit Court for the County of James City. The criteria are intended to compliment the Covenants and should a conflict arise the Covenants shall prevail.

2.00 MASTER PLAN CONCEPT

LANDFALL at Jamestown has been carefully master planned in order to achieve the following objectives and features:

- a. Establish a road network which will minimize "through" traffic movement through the neighborhood and enhance the exclusive nature of the community.
- b. Design a road layout which follows the natural topography of the land and enhances the views, and the natural setting for the homes.
- c. Capitalize on the natural topography, vegetative and water features of the site in order to provide the most "comfortable" home sites.
- d. Preserve a natural buffer along the road frontage to provide for internal circulation, enjoyment of the natural environment and a consistent street frontage.
- e. Preserve and protect the 100 foot Chesapeake Bay Resource Protection Area (RPA) of Powhatan Creek.
- f. Appoint a Design Review Board to strictly enforce the architectural and site development restrictions.

3.00 DEFINITIONS

- a. *Association*: shall mean and refer to LANDFALL at Jamestown Community Association, Inc., a Virginia Nonstock Corporation, its successors and assigns.
- b. *Board of Directors*: of the Association, initially appointed by the Developer during the Declarant Control Period and then, after the expiration of the Control Period, elected by the members of the Association as provided in the Association's By-Laws.

- c. *Builder*: an individual or organization, properly licensed by the Commonwealth of Virginia as a general contractor, constructing an individual house, houses or other improvements at LANDFALL at Jamestown.
- d. *Common Area*: all real property owned or to be owned by the Association, for the common use and enjoyment of all owners; designated on the record plans as the "Common Area".
- e. *Covenants and Restrictions*: shall mean and refer to the Declaration of Covenants, Easements and Restrictions, and any duly enacted amendments thereto, set out in the attached document which will be recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia.
- f. *Declarant*: Any reference in any of the documents for LANDFALL at Jamestown that relate to the legal "entity" that is developing the property should be to the entity that is the actual record title holder. If the property is titled in the name of L.L.C., then all references must be to that exact name, i.e. "McCale Development – Landfall, L.L.C., a Virginia Limited Liability Company". After the expiration of the Declarant's Control Period, any reference in these Design and Environmental Standards to "Declarant" shall mean the Board of Directors of LANDFALL at Jamestown.
- g. *LANDFALL at Jamestown*: defined as that certain real property shown on plat of "Subdivision of LANDFALL at Jamestown, County of James City, Virginia," made by Sledd & Associates, P.C., recorded by individual sections on various dates in the Clerk's Office of the Circuit Court of the County of James City, Virginia, and any additions which are annexed thereto.
- h. *LANDFALL at Jamestown Design Review Board*: shall mean and refer to the committee of individuals established pursuant to Section 6.1 of the Covenants and Restrictions.
- i. *Lot Owner/Homeowner*: Record Owner, whether one or more persons or entities, or a fee simple title to any Lot, including the Declarant, but excluding those having such interest merely as security for the payment of a debt or the performance of any obligation.
- j. *Lot (building lot or building lots)*: any Lot depicted on any subdivision plat approved by the James City County, Virginia, and recorded in the Clerk's Office which effects a subdivision of any land within LANDFALL at Jamestown, including any Lot upon which a single family detached residence can be constructed. The definition of "Lot" does include any area depicted as "Common Area".
- k. *Improved Lot*: a Lot upon which a residence has been substantially completed. A residence shall be deemed to be substantially completed upon the earlier to occur of (i) issuance of a temporary or final certificate of occupancy or (ii) twelve (12) months from the date that a building permit for the residence is issued.
- l. *Property (and Properties)*: all of the Lots in LANDFALL at Jamestown except the designated Common Areas.

- m. *Construction Period:* period of time commencing with the submission of documents required pursuant to Section 4.02 and concluding upon the recordation of the Deed to the first Homeowner other than the Builder.

4.00 DESIGN REVIEW BOARD

4.01 Membership

The LANDFALL at Jamestown Design Review Board (DRB) shall consist of one (1) contracting licensed architect or registered professional engineer (hereinafter "PROFESSIONAL") one (1) member of the Board of Directors (who may also be a voting member of the Architectural Review Committee), and the Architectural Review Committee (ARC) acting as a board. The PROFESSIONAL shall be hired from time to time by the Managing Agent under the supervision of the Board of Directors of LANDFALL at Jamestown, and his/her duty shall be to review any and all plans for new construction and any reconstruction involving structural additions, reconstruction or new construction for completeness, compliance with these standards, and recognized construction designs.

4.02 Procedures

The DRB is empowered, at its sole and absolute discretion to approve, administer and enforce the architectural style and site development restrictions included herein. All construction on individual lots shall be reviewed pursuant to this procedure.

Homeowners and Builders desiring to construct any improvement in LANDFALL at Jamestown shall submit two (2) complete sets of building plans as outlined herein to the DRB via the then Managing Agent for LANDFALL at Jamestown.

- a. For new construction or remodeling requiring structural changes, the Managing Agent shall forward the plans and application to the PROFESSIONAL for his/her review. At the same time, the Managing Agent shall forward the submitted landscaping plan, all samples and lists of colors and materials to the chairperson of the ARC for its review pursuant to Section 4.08 below, to insure aesthetic harmony within LANDFALL at Jamestown. Any submission to the DRB MUST be accompanied by (i) an application review fee, made payable to LANDFALL at Jamestown, in an amount estimated by the Managing Agent to be necessary for the PROFESSIONAL to review the submission, plus (ii) whatever reasonable fee the Managing Agent normally charges for administering such submissions, plus (iii) the compliance/damage deposit as set forth in Section 5.01(a).

The PROFESSIONAL shall complete his/her review of the application and plans within a reasonable time period (not to exceed 30 days from his/her/its receipt of the plans and application). During the PROFESSIONAL'S review, the PROFESSIONAL may meet informally or formally with the Builder and/or his/her applicant Homeowner to discuss compliance of the submissions with these Standards. Upon completion of his/her/its review hereunder, the PROFESSIONAL shall report to the Managing Agent in writing, that the application is complete and the plans comply with these Standards or that the

plans do not comply with these Standards and what must be changed in order for such to comply. Upon completion of his/her review and upon final approval by him/her, he/she shall forward his/her final report to the Managing Agent. The Managing Agent shall deliver a copy of the architect/professional engineer's report to the Chairperson of the ARC which shall constitute notice that the plan and application is complete and shall then notify the applicant in writing that his/her/its application is "complete" for purposes of Section 6.02 of the Declaration.

- b. For submissions of application only to the ARC under Section 4.08 below of these Standards, the following procedures shall apply. The Managing Agent shall review the plans and application for completeness. Not sooner than seven (7) days and not later than two (2) days prior to the next scheduled meeting of the ARC, the Managing Agent shall deliver the non-structural plans, application and materials and samples to the Chairperson of the ARC and shall notify the owner that the application is complete for purposes of Section 6.02 of the Declaration.
- c. The ARC shall meet once per month (unless there are no pending applications) at a day certain as established by the ARC from time to time and published on the LANDFALL at Jamestown web site. The ARC may also meet at the call of the Chairperson, provided a quorum can be established.
- d. The applicant may proceed with clearing the lot and constructing the residence's foundation upon being informed that his/her application is complete without the approval of a landscaping plan, but MAY NOT PROCEED WITH THE CONSTRUCTION OF THE RESIDENT OR ANY OTHER STRUCTURE UNTIL THE LANDSCAPING PLAN HAS BEEN FINALLY APPROVED BY THE ARC.

4.03 Authority to Waive Requirements

The DRB has the **sole authority** to waive the requirements set forth herein, but may do so only when the intent and quality required of the design elements at LANDFALL at Jamestown are satisfied. Waiver of specific requirements shall not be inconsistent with the recorded Covenants and Restrictions. However, before any waiver shall be granted to Section 6.09 (Materials), or 7.13 (House Orientation), the abutters to the lot for which the waiver is requested, shall be notified, in writing and by e-mail (if e-mail address is known) by the ARC of the proposed waiver(s) in writing and the approval of the plans shall be suspended for a period of two weeks for such abutters responses, if any, unless a written response not objecting to the waiver is received by the ARC from all abutters prior to the expiration of said two week suspension." As used in this Section 4.03 only, "abutter" shall mean the next adjoining residences on any side, as well as any actually-abutting empty lots.

4.04 DRB Appeal

The DRB Appeals Committee, which shall be the Board of Directors of LANDFALL at Jamestown, unless a committee of the Board has been so designated to hear appeals hereunder, is empowered to review and approve individual variances to these Design and Environmental Standards when requested in writing. An applicant may request a review by the DRB Appeals Committee for a review of the decisions of the DRB by filing such written appeal with the Managing Agent and paying any reasonable fee charged by the Managing Agent for processing such appeal. The DRB Appeals Committee must, within two (2) weeks of receiving the appeal from the Managing Agent, notify the applicant of the DRB Appeals Committee's final decision. All decisions of the DRB Appeals Committee are final.

4.05 Alterations and Additions

Subsequent to review and approval of construction by the DRB, no structure shall be altered, modified or expanded without the written approval of the DRB. Requests for minor improvement must be submitted to the DRB with a \$125.00 application review fee.

4.06 Access to the Lot

Submission of any plans to the DRB for review shall constitute permission by the Lot Owner, and agreement of the Builder or Contractor, to allow members of the DRB or its designated agent, reasonable access on and to the property before, during and after construction to ensure consistency with the approved plan for construction, alteration or modification.

4.07 Final Release

The Applicant shall notify the Association and the DRB two (2) weeks prior to final completion of construction. A final plat of survey setting forth all lot improvements must be submitted to the DRB with a **\$150.00 final review fee**. The DRB shall then inspect the final construction for compliance with the approved plans. It is to be understood that the final inspection by the DRB does not constitute a waiver of nonconformity with the approved plans.

4.08 Architectural Review Committee

As described in ARTICLE VI of the By-Laws, the Board of Directors from time to time may appoint an Architectural Review Committee (ARC) which shall be responsible for the approval/disapproval for all NONSTRUCTURAL IMPROVEMENTS TO ANY LOT OR EXTERNAL SURFACE OF ANY EXISTING BUILDING OR STRUCTURE AFTER THE COMPLETION OF THE RESIDENCE THEREON. In performing its duties, the ARC shall follow the same procedures and be governed by the same rules as the DRB, AND SHALL ENFORCE THESE STANDARDS SET FORTH IN THIS "DESIGN & ENVIRONMENTAL STANDARDS" DOCUMENT, except as otherwise provided. The form of the application to the ARC shall be as approved by the Board of Directors from time to time and shall include the requirement that all abutting or potentially affected homeowners be notified of the proposed application.

The ARC shall meet monthly at a time and place set by the Chairperson to hear and decide new applications.

4.08.1 Fee

The ARC may require a filing fee of \$10.00 to cover the cost of processing the application, if such required fee seems appropriate.

4.08.2 Membership in the ARC.

The Board of Directors shall set the number of homeowners who shall from time to time constitute the membership of the ARC.

4.08.3 Structural Changes

In the event any application made to the ARC contains any proposed structural changes to any building or structure on any lot, the ARC shall promptly forward the application to the DRB for appropriate action.

5.00 SUBMISSION REQUIREMENTS

5.01 Local Code and Ordinance Compliance

No architectural or site restriction contained herein alleviates Builders or Homeowners from compliance with local, state and federal regulations governing development or construction. In the event of conflict between restrictions contained herein and governmental regulation, the more restrictive shall apply.

5.02 Design Plan Submission

Final plans, details, and specification, as specified, shall be submitted to the Secretary of the DRB for their action, including the following:

a. Construction and Completion Surety

A cash compliance damage deposit of \$1,500 shall be made payable to LANDFALL at Jamestown and submitted to the DRB at this time by the Lot Owner or Builder to insure proper completion of all improvements, including landscaping, and to ensure the lot is properly maintained during the construction period in accordance with the standards and provisions as outlined in Section 7.00. Upon receipt of the said cash **compliance/damage deposit**, the DRB shall deliver such to the Declarant. Such cash compliance/damage deposit will be submitted with final design plans unless it has been otherwise posted for the subject Lot. In the event of a violation of any of the standards and provisions, the Declarant shall have the right to charge against said cash compliance/damage deposit all costs incurred, including court costs and reasonable attorney fees, expended in correcting the violations. The DRB shall be the sole determiner as to whether a violation of such standards and provisions has occurred. Release of the cash escrow shall be in accordance with Section 4.07 and 7.26 only after a final site inspection by the DRB has been conducted to ensure compliance with approved plans as well as all standards and provisions as outlined under Article 7.00.

b. Design Review Fees

A design review fee of \$200.00 is required to be paid to the Association prior to the submission of an application to the Secretary of the DRB. In the event of a request for an appeal to the DRB review, and appeal review fee of \$125.00 is required to be paid to the Association prior to the acceptance of a written request for an appeal review by the Secretary of the DRB Appeals Committee.

c. Architectural Plans

Two (2) sets of floor plans and rear, left and right side elevations shall be submitted at a scale of not less than 1/8" = 1'10". Front elevations shall be at a scale of 1/4" = 1'10". Elevations shall be labeled with all materials and roof slopes. All submittal plans shall be original copies. No redline print submittal plans will be accepted.

d. Material Selection

Architectural details and specifications showing all exterior details and materials (see checklist Page __) shall be submitted. A builder or homeowner shall also

submit samples of exterior colors and materials for the following elements to be included in the proposed construction:

- foundation
- siding
- trim
- doors and windows
- roofing
- exterior light fixtures
- driveways
- brick
- driveway and entry details, including materials color and finishing
- exterior lighting
- screening and retaining walls
- location of existing trees six (6) inches or greater in diameter, street light and sidewalks (*with specifications for relocation, if applicable*)
- erosion, debris and sedimentation control measures.

e. Final Plan for Site Design

Four (4) copies of the final site plan, prepared at a scale of 1" = 20', shall include the following plan elements:

- proposed grades at one foot contour intervals (*include spot elevations at corners, details, and sections*)
- hardscape element details and sections
- drainage items (*i.e. inlets and pipes*)
- exterior mechanical equipment and trash receptacle locations with required screening.

Final landscaping plan for the Lot, showing the location of all (i) lawn areas, (ii) non lawn planted area, including the number, types and initial height of all shrubs, bushes and trees to be planted therein; (iii) walkways, driveways and other non pervious areas, (iv) screenings and all non disturbed and other disturbed areas in accordance with section 5.02 (h) below.

f. Application to be Submitted to Design Review Board

The Lot Owner shall complete and submit one application to the DRB. The application shall include both the Applicant and Builder identifications, together with the building materials and their colors. The application shall be deemed filed when all required fees have been paid.

g. Builder Application to be Submitted to Design Review Board (DRB)

The Lot Owner or Builder shall complete and submit a builder application for any builder (i) not previously approved, or (ii) not currently demonstrating compliance with LANDFALL at Jamestown Guidelines for Builders. Builders who have not demonstrated compliance with the said LANDFALL at Jamestown Guidelines for

Builders during the course of any construction may not be approved for subsequent construction on other lots.

All submittal plans must be full size final prints. **Redline plans will not be accepted.**

h. Landscape Requirements

The cost of plant and bedding material shall be of an amount equal to at least three percent (3%) of the original purchase price of the Lot in question. Such cost shall not include site grading, sodding, irrigation or plant material installation cost. All landscaping materials must be installed prior to final approval and release by the DRB. Builders of noncompliance will be denied.

6.00 ARCHITECTURAL REQUIREMENTS

6.01 Housing Type

Only single family residences are permitted in LANDFALL at Jamestown. A single family residence is defined as a free standing structure on a permanent foundation, with no more than one kitchen. Accessory buildings and/or accessory apartments (*by special exception*) are allowable in conformance with the applicable R-2 zoning district requirements of the County of James City Zoning Ordinance.

6.02 Massing

The front elevation of the house shall not exceed two stories in height above a crawl space or basement. However, a house with a sloped roof may include partial third floor living areas under the roof. On a Lot where the slope will permit, the rear elevation may accommodate a three story height, not to exceed a maximum of 35 feet.

Exterior walls, planes and masses shall be of a residential scale with sufficient openings for light, view and air consistent with the residential scale of the community. The DRB reserves the right to require that large planes be broken up with additional windows, or off sets to maintain an appropriate scale.

6.03 Architectural Style

No specific architectural styles are expressly prohibited, however the DRB reserves the right, in its sole and absolute discretion, to reject highly stylized houses with overstated eclectic design elements, houses with overly mixed styles, houses with insufficient stylistic theme or treatment, or houses not in keeping with the neighborhood.

Structures of substantially similar exterior appearance shall not be located within the subdivision unless given express approval by the DRB. In this regard, the DRB shall be the sole determiner of what constitutes substantially similar exterior appearance and what structures will be permitted. The DRB shall have the authority to accept inconsistent external appearances when appropriate designs are duly submitted for review.

6.04 Foundations

All residential structures shall be built over either a basement or crawl space. No construction or concrete slabs will be allowed, except that portions of a design may be considered on a concrete slab.

6.05 Roofs

a. Pitch

The minimum roof pitch permitted shall be seven inches (7") per foot. This roof slope minimum shall apply to all primary roof elements of the structure.

b. Penetrations

Roof ventilation, etc. may require dormer treatment depending on orientation of house and exposure to public views. Roof ventilation and other penetrations must be painted to match the roof.

6.06 Ceiling Height

First floor ceiling heights shall be a minimum of nine (9) feet. Second floor ceiling height shall be a minimum of eight (8) feet.

6.07 Fenestration

Consideration should be given to the overall exterior balance of the house in the type (double hung sash, casement, etc.) and placement of windows. The DRB reserves the right to establish minimum window sizes based solely on aesthetic considerations, over and above building code requirements for egress. Window design shall be consistent with the architectural character of the house.

6.08 Architectural Detailing

Exterior architectural detail including trim and siding shall be compatible with the particular style of the house design. A basic design may be deemed inappropriate if consideration is not given to such details as trim around windows and doors, at the eaves or gables of roofs, or porch columns, railings or steps. Such consideration does not imply that very elaborate or decorative elements are encouraged; however, Builders and Homeowners should discuss this issue with the DRB in conjunction with the design approval. (*See Article 5.02*)

6.09 Materials

The following materials are recommended, and must be used as appropriate to the architectural style previously approved:

a. Foundations

Constructed of brick, stone, or stucco.

b. Chimneys

Brick, stone, or Exterior Insulation Finish System (EIFS) chimneys and their respective exterior firebox walls shall match the foundation material and extend to the finished grade. Parged block or wood framed chimneys or exterior firebox walls are not permitted. All chimneys shall project at least three (3) feet above any point of the roof measured 10 feet from the chimney. **No exposed prefabricated metal fireplace flues shall be visible on the front sides of the residence.**

Any direct vent or ventless type fireplace units shall be installed within the primary exterior walls of the residence or enclosed within a brick or stone chimney meeting the requirements of this section.

c. Exterior Walls

Constructed of mill cypress, cedar or redwood siding, brick, stone masonry, stucco or synthetic stucco or cement boards.

d. Exterior Trim

Made of wood, brick, stone, cement boards or other material as described above.

e. Windows

Prefinished window screens, storm windows, windows or doors shall be finished in a color that complements the house colors, and must be approved by the DRB.

f. Roof

Finished with a minimum of 25 year dimensional/architectural shingles, cedar shingles or shakes, slate, approved imitation slate, concrete shingles, Hendricks Tile, tile or in some cases, metal. Any other roof material must be specifically approved by the DRB. All exposed flashing shall be prefinished metal or copper.

g. Porches, Railings, Steps

Unfinished salt treated materials shall not be used except as provided for under 6.10; all steps within view from the front of the house shall have closed risers.

h. Paint or Stain

Of a complimentary color must be applied to all homes. Rough-sawn siding shall be finished with either an oil based or latex solid color stain. Natural wood color siding and semi transparent stains are generally discouraged. If the DRB approves a semi transparent stain, the Builder must adhere to the manufacturer's procedures and specifications for installation and application of the stain. Smooth siding shall be finished with an oil or latex based exterior paint.

Colors of houses adjacent to or across the street from one another should be differentiated; however, exceptions may be approved in certain circumstances by the DRB. The color palette for homes for siding and trim shall be limited to white, yellow, beige, taupe, brown, grey or a medium to dark muted blue, green or red hue so as to blend with the community. Shutters may be black or any of the approved colors. Front doors shall not be considered part of the trim, and may be of a somewhat brighter color as an "accent" to the home.

A "muted hue" is a color mixed with either grey or its complement producing a tone of the original color. [See www.swirlhue.com/mixi-colors/Intensi_of_Color-Muting_Hues.php] - Type this in the URL address, do not try to "Google" it. All exterior colors must be reviewed and approved by the DRB. In the event that unauthorized painting occurs, the DRB has the authority to require the repainting of a house, or any portion thereof. This will ensure the color coordination of the community and protect the investment of all Homeowners.

6.10 Wood Decks, Porches and Steps

Decks, porches and steps within the rear yard may be constructed of unfinished salt or pressure treated wood materials or "TREK" quality synthetic decking materials. The ARC may approve high quality PVC railings if such is in harmony with abutting properties, but only for rear yard decks. No other unfinished salt or pressure treated wood may be used in any location. Steps on rear decks may be of the open type, although closed risers are recommended. Decks and porches are recommended not to encroach into the lot setbacks. If such encroachment occurs, landscape screening will be required. Under no circumstances shall decks or porches encroach further than stipulated under the County of James City Zoning Ordinances.

6.11 Garages

It is recommended that entrances to garages be either on the side or the back of the house. In the case of corner lots, the garage shall not open onto a side street.

6.12 Continuity of Elevations

No elevation (front, side, rear) of any residence shall be of substantially inferior appearance than any other elevation of the residence. External wall materials shall be consistent on all elevations except when the design of the residence has been prepared by a nationally recognized/published designer or architect. Since most houses will be reviewed from more than one side, this requires Builders and Homeowners to give as much attention to the design of the rear and sides of houses as is traditionally given the front. Windows on the sides and rear of a home shall be aligned in aesthetic and orderly fashion just as they would be on the front of the home.

6.13 Trash Receptacles and Mechanical Equipment

All external trash receptacles and mechanical equipment shall be located on the site plan, and shall be located on the rear, or rear of a side elevation of a building. All such equipment shall be screened with approved vegetation or structures.

7.00 LOT DEVELOPMENT REQUIREMENTS

7.01 Zoning and Required Conditions

All site development shall comply with the current version of the Zoning Ordinance of the County of James City, Virginia. Requirements outlined herein, or which are otherwise recorded or applicable, and which are more restrictive shall apply for LANDFALL at Jamestown.

7.02 Corridor Protection District

The County of James City Zoning Ordinance establishes Corridor Protection Districts as shown on Exhibit A, Open Space Plan. The Corridor Protection District was established by the County:

"...to protect and enhance the historic character of the Colonial Williamsburg Historic Area and the Architectural Preservation District by ensuring that the major access corridors to these areas are developed and maintained in a harmonious and compatible manner. The District is also intended to encourage the improvement of the architectural and visual character of these major

corridors, and to encourage a diversity of architectural style... (within this designated district) no building, structure, sign or exterior architectural feature... shall be erected, reconstructed, altered or restored unless approval has been granted by the (James City County) Architectural Review Board".

7.03 Chesapeake Bay Preservation Program

All grading, landscaping, construction, site plan preparation, and placement of improvements shall be done in compliance with the County of James City Zoning Ordinance as it may be amended from time to time.

7.04 Conservation Easements

Exhibit A indicates all areas to be included within designated conservation easements (*See Deed of Easement between the Declarant, the Association and the County of James City*). Such Conservation Easement will pertain to the following:

- Resource Protection Areas (RPA), as defined by the County of James City Subdivision Ordinance
- Slopes greater than the thirty percent (30%) outside of the RPA.

7.05 Limits of Clearing

Except for areas specifically approved for construction or as otherwise permitted by this Article, no existing vegetation shall be removed from any site in LANDFALL at Jamestown. General clearing for construction of houses shall extend no farther than twelve (12) feet outside the actual house foot print. General clearing for driveways and walks shall extend no farther than five (5) feet beyond either side of the pavement. Driveway pavements shall not be located within three (3) feet of any property line. If a driveway pavement section is located within five (5) feet of any property line, then in order to promote privacy, and a landscaped screen between adjacent home sites or public streets, a four (4) feet high evergreen landscaped buffer shall be designed between the driveway and the adjacent property line, and shown on the overall site plan submitted to the DRB for its review and approval. An exception may be granted, not inconsistent with any requirements of the County of James City, upon review and approval of the DRB.

7.06 Common Areas

No clearing, grading, tree removal, or construction activity can take place in Common Areas or Conservation Easements without the prior written consent of the DRB and other regulatory bodies as specified under Articles 7.02, 7.03 and 7.04.

7.07 Stake Out Review

Prior to beginning any clearing or construction activity, the Builder or Homeowner must notify both the DRB and the Association. The builder or Homeowner must stake to identify the following on the site:

- house corners
- finish floor elevation(s)
- limits of clearing and grading of driveway location.

A member of the DRB, or a committee appointed by the Association's Board of Directors, will then review the staking and flagging for compliance with the site plan that has been previously approved by the DRB. In the event that these activities do not comply with the approved site plan, the Builder or Homeowner shall not proceed with clearing or construction activity. The Builder or Homeowner can either correct the staking and flagging or submit an amended site plan for approval by the DRB. However, in either case, construction activity shall be halted until receiving approval from the DRB.

7.08 Erosion and Sedimentation

Builders and Homeowners are required to comply with applicable governmental regulations, and code requirements. Silt runoff and mud from vehicular traffic shall be contained on the Lot. Erosion control devices shall be installed prior to construction. This includes, but is not limited to, silt fences and stone construction entrances. The Builder/Homeowner shall maintain all erosion control devices until construction has been completed and plants installed. Any mud or silt runoff shall be immediately removed by the Builder/Homeowner.

The Developer reserves the right, in the Covenants and Restrictions, to enter any Lot whether improved or unimproved, for the purpose of performing necessary grading, landscaping or construction and maintaining erosion control devices.

7.09 Construction Site and Activities

Only usable construction materials may be stored on a construction site. They must be neatly stacked or placed in a way that they are not visible from adjacent building lots. Discarded construction materials, refuse and debris must be disposed of in the dumpster daily. Storage or placement of material within any public right of way or easement is not permitted at any time. No container, trailer, etc., shall be allowed on the site to store construction materials.

Construction activities may not take place on Sundays and all exterior work shall be limited to daylight hours. Excessive noise and loud music are prohibited.

7.10 Temporary Facilities

Dumpsters of adequate capacity are required to be installed prior to the commencement of framing operation on any construction sites for the containment of construction debris and shall be maintained until the trim out operations have been completed. In the event that the Builder/Owner does not install and maintain a dumpster as called for by the DRB, the Association will have authority to arrange to have one installed and maintained at the Builder's/Owner's cost plus a handling fee. Open fires are not permitted.

7.11 Protection of Existing Vegetation

Beyond the general clearing limits specified both by 7.05 and within Conservation Easements, clearing of existing vegetation for landscaping and view shall meet the following requirements:

- Within required front yard, existing ground cover, shrubs and trees up to six (6) inches in caliper (at four feet above ground) may be removed and replaced with the Homeowner's landscaping which shall include some combination of grass, ground cover vegetation or mulch, shrubs and trees. Except for drive access

and sidewalks, no pavement shall be permitted in this area. The DRB may permit removal of larger trees on a case by case basis when requested.

- From front setback line to rear property line, only selective clearing is permitted beyond that approved for structures or other approved site improvements. Clearing for rear yard play areas will be permitted within building setback lines. Plans for selective clearing must be approved by the Board.
- No clearing is permitted within eight (8) feet of side property lines, except for corner side yards which may be treated as front yards.
- No clearing is permitted within twenty (20) feet of rear property lines that abut other lots.
- No clearing is permitted within the designated Conservation Easements, except as may be allowed by the County of James City in accordance with the Chesapeake Bay Preservation Act and the Conservation Easement (see Section 7.03 and 7.04).

The Homeowner can within these limitations, maintain and manage growth of existing vegetation by pruning, and limbing up existing trees for view and breeze.

7.12 Grading and Drainage

In general, alteration of existing topography will be permitted only as required to create positive drainage away from the house, unless approved by the DRB as part of a submitted site or landscape plan. Grading and drainage construction within the site shall not be constructed so as to visually distract from other residences. Subsurface drainage may be required where necessary, to resolve unusual surface or subsurface drainage conditions.

7.13 House Orientations

The house shall be situated on the Lot so that the front façade is facing the street. On a corner lot with a cul-de-sac, the house shall face the cul-de-sac street rather than either the collector road or side street whenever possible. On corner lots without cul-de-sac frontage the house shall face the side street rather than face the collector road whenever possible. Exceptions to the house orientation may be permitted if in following the above requirements the result would be to have the garage doors parallel to and facing the street. Garage doors facing any street in a parallel or somewhat parallel manner shall not be permitted except where the design of the house or the Lot size will not accommodate other arrangements. On a corner lot the house may be positioned at a 45 degree angle to the two street frontages provided that the garage doors and entire service area is screened with a wall on the street side and landscape screening or a fence/wall on the interior side yards. If a house will not fit at a 45 degree angle on a corner lot, it may be permitted to face the collector road provided that the garage doors face an interior lot line and not a street. The DRB shall make the determination as to which house orientation is the most appropriate at the time of plan submittal. It is the intent of these guidelines to minimize the number of houses facing collector roads, particularly LANDFALL Drive.

7.14 Driveways and Parking Areas

Layout: Driveways shall be located to provide access to the house and garage, and provide on site parking for at least two (2) and no greater than three (3) cars (*excluding garage parking*). Driveways shall be laid out in an aesthetically pleasing manner in order to avoid views of any kind from the driveway at the street into the service area and/or garage doors. This will require having curves in the driveway with landscape screening to block service areas and garage door views. Driveways with more than two (2) entrances from all street frontages will not be permitted. Driveways, parking, service areas, and walks shall not be located closer than five (5) feet to a property line. In extreme hardship cases as deemed necessary by the DRB, limited paved areas may come as close as three (3) feet to a property line provided that landscape screening is provided between the pavement and property line and that the driveway alignment has been arranged to provide at least ten (10) feet of separation to the property line with the remainder of driveway. Minimum radii at entrances and from drive to parking areas for maneuvering space shall be ten (10) feet.

Base Construction: Topsoil shall be removed and subgrade compacted prior to the installation of a minimum of a 6 inch stone base. Recommended surface materials that will be considered are asphalt, concrete in a similar design, brick, brick pavers or exposed aggregate concrete.

Entrance Details: All driveway entrances shall have concrete aprons and be constructed in accordance with VDOT Standards. The Builder is responsible for coordinating this work with the inspector from the county of James City Public Works. The home Builder is also responsible for transitioning the sidewalk on both sides at the driveway,

7.15 Walks and Terraces

Walkways and terraces must be constructed of materials of compatible quality to the architectural materials in the house. The recommended construction materials are asphalt, concrete, interlocking concrete or clay beveled pavers or patterned concrete in a similar design, brick, brick pavers or exposed aggregate concrete, stone and flagstone or slate set in a cement mortar bed. Any walkway or terrace constructed of any other material, if allowed, must provide appropriate edging to maintain its structural integrity. A ceremonial walkway must be provided from the driveway to the front door.

7.16 Accessory Buildings

Including detached guest houses, garages, workshops, storage sheds, green houses, service and refuse facilities, the following shall apply:

Siting: Any accessory structures located on a building lot must be designed and located as an integral part of the house and its site plan. These structures should be massed with the house and incorporate appropriate landscaping, walkways, fencing as well as be of the same architectural style, finished materials and a compatible color. These requirements also refer to doghouses, gazebos, and playhouses.

Such accessory building shall not create a breach of privacy between neighboring houses, nor shall they create a visual nuisance to neighboring houses. No accessory building may be constructed in a front yard or extend beyond the minimum setback requirement established for such structures as defined by the County of James City

Zoning Ordinance. Under no circumstances shall an accessory building be located any closer than 10 feet from the side or rear property lines. When an accessory building encroaches into the side or rear setbacks established for the house proper, landscape screening as deemed appropriate by the DRB shall be required. Service or refuse facilities, storage sheds and similar structures shall not be permitted to be located on the lot forward of the front face of the house proper.

The DRB reserves the right to restrict placement of accessory buildings on lots affected by the Conservation Easements specified by Article 7.04 in such a manner as to protect normal viewing angles to waterways and natural areas from adjacent lots.

Permitted Size: Generally, accessory buildings shall not occupy more than thirty percent (30%) of the rear yard or exceed twenty-four (24) feet in height. Furthermore, not more than fifty percent (50%) of any back yard shall be covered by any impervious structure or improvement, including a swimming pool or other pool or pond.

Service Area: A single service area which incorporates heating and air conditioning equipment, electrical meter, and trash areas should be provided, appropriately located and properly screened. The service yard should be convenient to a kitchen exit, driveway, and outdoor storage.

Boats, motor homes, trailers or any other recreational vehicles: Shall be stored in a garage or other fully enclosed structure, such as shed, that complies with this Section..

7.17 Fencing

Fencing for dogs and children should be designed as an integral part of the house. "Accent" fencing as part of an overall landscape plan may be used in the front yard only with the prior approval of the DTB. Fencing of back yard areas for dog runs should not come off the front corners of the house, but extend as nearly as possible, straight back from the back corners of the house. Chain link fencing will not be approved other than for dog runs or tennis courts, in which case they shall be constructed with dark green or black vinyl coating of posts and fabric, and shall not be visible from public areas. Fencing on a front or side yard along a street must be of a compatible style, material and color to the house and its trim. In all cases, fencing shall have the "finished" side facing the adjacent property lines and street. Wood fencing located along an adjacent property line shall have a finished side facing such adjacent property.

7.18 Mailboxes/Paper Boxes:

Combined Mailbox and Paperbox must conform to the configuration shown. Routed house number (*2" high "Times Roman" typeface*) only are allowed in the location shown. Mailbox, post and bracket must be painted only one (1) color which should match the street lights - PMS 533 (Dark Blue) – available at Virginia Paint Store. Apply primer coat before painting. Mailbox size shall be U.S. Postal size 31½ installed according to the U.S. Postal specifications.

Mailboxes shall be located within five (5) feet of the driveway toward the center of the front property line and within three (3) feet of the road pavement. Decorative flowers or anything drawing attention to mailboxes will not be permitted.

7.19 Lighting

Site lighting shall generally be limited to indirect or "absolute cutoff" type lighting. That is to say, all lamps or light sources within a fixture, including house mounted flood lights, shall be shielded from ordinary field of view. The only exception is that exterior post lamps, low intensity landscape lights and decorative carriage lights mounted on the house are permitted. Such ornamental fixtures shall be compatible in style materials and placement with the architecture of the residence. Only lights with shielded light sources will be permitted at garage door areas. It is to be understood that the intent of this section is to bar any site lighting that would be a nuisance to other property owners. In the event of a conflict between property owners, a committee appointed by the Association's Board of Directors shall be the sole determiner of what constitutes a nuisance under the terms of this section.

7.20 Lawn and Plantings

In general, the selection of plant material must be complimentary to or in the same vernacular as the design theme established for each residence. A schedule of plant materials to be used, including types, sizes and specifications shall be submitted for approval by the DRB in conjunction with the required submission of architectural materials. Large mulched areas with minimal plantings will not be permitted except in existing heavily wooded areas. Guidelines for minimum plant material sizes required are as follows:

Shade Trees – Minimum Size 2½" to 3" caliper

Ornamental Trees – 6' to 8' height or 1½" to 2" caliper

Evergreen Trees – 5' to 6' height

7.21 Wood Decks, Porches, and Steps

As limited under Article 6.10, site structures above ground constructed primarily of wood, may include the following acceptable materials: .40 CCA pressure treated southern yellow pine (unfinished, clear finish, or stained), redwood, cedar or cypress (clear or stain finish). Above ground structures may be constructed on masonry foundation or on treated wood posts. Creosote treated wood products are not permitted. All vertical wood surfaces shall be painted or stained. Steps viewed from the front of the house shall have closed risers. Decks, patios or porches are recommended not to encroach into setbacks. In the event that encroachment is proposed, landscape screening as deemed appropriate by the DRB shall be required between the property line and the encroachment.

7.22 Utilities

All electric, telephone, cable and other utility services shall be placed underground.

7.23 Signage

Only one (1) post per lot shall be allowed for all signs. The sign must be provided and installed through the Association and must be of the Association's standards design and size. The cost of said signs will be borne by the Realtor, Builder or Owner as applicable. The cost of the signs will be determined at the time the sign is requested. Previously installed signs may be reused for subsequent lots but can only be reinstalled

by the Association after inspection and approval of the sign's physical condition. Any exceptions to these requirements are at the sole discretion of the DRB. **No additional signage is allowed to be posted on the sign post house or lot.**

Repairs to Damaged Signage: can be done only by the Association, if repairs are required, the costs thereby incurred will be charged to the Realtor, Builder or Owner. In the case of Builder or Owner, the costs will be treated as an individual assessment under the terms of Article V of the Declaration.

'For Sale' and 'Open House' Signs: The Realtor shall make a written request for signage and upon notification by the Association of the cost of the signage promptly make payment for the signage. The sign will be removed by the Lot Owner or Realtor when the lot has been resold, such date to be determined by the date the sales agreement is fully ratified by all parties thereto, or six (6) months following its initial installation, whichever comes first in time. On interior lots the sign will be placed twenty-five (25) feet back from the curb in the center of the lot frontage. On a corner lot the sign will be placed forty (40) feet back from the corner of the two frontages of the lot. The sign is to remain unaltered and undamaged.

No additional signage is permitted to be attached to the For Sale sign or posted on the lot or house. No additional riders of any type are permitted except an "OPEN HOUSE" placard available only from the Association. The Open House riders will be of the Association's standard design and colors. These Open House riders will be permitted to be attached to the above described Association provided For Sale sign only for the actual period of time that the Open House is ongoing. The costs for the Open House placard will be determined by the Association at the time of such request.

The standard Williamsburg Area Association of Realtors 'Open House' free standing sign shall be allowed to be placed appropriately on a lot only during the period the home is staffed by a Realtor's Agent or the Builder or Owner. The sign must be removed during all other times. No 'Open House' signs are allowed at the front entrance or on any common area.

Construction Signs: Request for Construction signs may be made when the Lot is approved for clearing and installed when the Lot is cleared and Construction is ready to start. Payment will be made promptly to the Association upon Notification of the cost of the signage. The sign will be removed by the Builder or Owner within thirty (30) days of the date of the issuance of the Certificate of Occupancy by the County, or twelve (12) months following the issue of the building permit, whichever comes first in time.

7.24 Intentionally Left Blank

7.25 Satellite Dishes

The installation of any satellite dish by the Lot Owner shall be subject to and conform with the then current County ordinances governing same. In addition thereto, the location of such satellite dish and the screening thereof, if required by the DRB, shall be subject to review and approval by the DRB.

7.26 Final Inspection and Release of Surety

To the extent that all required improvements shown on the approved final plans have been satisfactorily completed, and the adjacent infrastructure (i.e. curbs, gutters, utilities, drainage, BMPs etc.) is found to be undamaged and/or unaffected by construction activities on the lot, the construction surety (cash compliance/damage deposit made payable to the Declarant), as provided to the DRB and submitted to the Declarant, may be released as follows:

- a. subsequent to a satisfactory final construction and site inspection conducted by the DRB to ensure compliance with the approved submitted plans; and,
- b. only after all roads, utilities, and other improvements in the section of LANDFALL at Jamestown where the subject Lot is located have been accepted by the County of James City into its municipal system; or,
- c. in the case of construction on a Lot in a section of LANDFALL at Jamestown where subject infrastructure items have previously been accepted by the County and incorporated into its system, subsequent to the issuance of a final Certificate of Occupancy (or other evidence of satisfactory completion) for the approved construction activity.
- d. Notwithstanding the above, the cash escrow/damage deposit shall only be released at the conclusion of the construction period. In the event there has been a violation during the construction period of any of the standards and provisions as outlined in Article 7.00, the Declarant shall have the right to charge against said cash escrow/damage deposit all costs incurred, including court costs and reasonable attorney's fees expended in correcting the violations. The DRB shall be the sole determiner as to whether a violation of such standards and provisions has occurred.

8.00 ADDITIONS AND MODIFICATIONS TO EXISTING STRUCTURES

8.01 Applicability

All additions and exterior modifications to homes and lots must be approved by the DRB. This includes any construction, demolition, or refinishing. This does not include maintenance work or repainting with the same colors. Reference should be made to Article 5.00 for submission requirements.

8.02 Change in Use

No proposed addition or modification shall change the permitted use of the property from single family detached residential as defined.

8.03 Size

The size of any addition is not limited except for as limited by siting considerations outlined by Article 7.00 and this Article.

8.04 Architectural Style and Massing

The style of any addition or modification shall match that of the house. Massing of the addition shall be similar in the size and use of shapes as that of the house, in proportion to other elements of the house so as not to overpower the existing design. Roof styles and slopes shall be similar to the existing house.

8.05 Site Considerations

No addition shall extend beyond the minimum setback requirements established for the house in Article 7.00. The siting of additions shall not create a breach of privacy between the neighboring houses. Where unavoidable, the DRB may require special screening. New windows or access into the addition shall not create a breach of privacy between the neighboring houses. The DRB reserves the right to restrict placement of additions on lots affected by Conservation Easement (Exhibit A, Open Space Plan) in such a manner as to protect normal viewing angles to waterways from adjacent lots.

8.06 Existing Vegetation

Except for areas previously approved as the "Limit of Clearing" (Article 7.05), no existing vegetation shall be removed from any site in LANDFALL at Jamestown. General clearing for construction of additions shall extend no farther than 12 feet outside the actual footprint. Beyond the general clearing limits approved by the DRB, clearing of existing vegetation for additional landscape and view shall meet the requirements of Article 7.11.

8.07 Grading

Alteration of existing topography will be permitted only as required to create positive drainage away from the house or as otherwise approved by the DRB on the submitted landscape plan.

8.08 Material Selection

Openings shall be required in additions, including windows and doors, in a similar fashion and extent as in the original house. Windows and doors in additions shall be of matching material and style as those in the main structure. Exceptions may be granted by the DRB for sunrooms or other sun affected rooms to allow glazed windows. Architectural elements such as corner and rake boards, soffits, eaves, window and door trim and shutters shall match the style of the same elements on the house. All exterior finish materials and colors shall match the house.

8.09 Decks and Porches

Decks constructed at or below the first floor level of a house may be constructed entirely of unfinished treated lumber as specified by Article 7.21. Decks or balconies constructed above the first floor level shall be finished to match the house. All decks, balconies, and porches shall comply with the requirements of Section 6.10 and 7.21.

8.10 Covered Decks or Porches

Covered decks, open porches, stoops, and screened porches shall all be constructed from deck level up of finished materials to match the house. Substructure and decking may be of unfinished treated wood. Greenhouse additions shall be constructed of finished wood framing or of a prefinished metal consistent with the house exterior color scheme.

8.11 Awnings or Sun Screens

Awning or other sun screen devices, while generally discouraged, must be consistent with the architectural character of the house.

9.00 MAINTENANCE REQUIREMENTS

9.01 Purpose

The maintenance requirements for LANDFALL at Jamestown are established for the perpetual preservation and enhancement of neighborhood property values. The following requirements are intended to ensure the consistent implementation of the highest standards of maintenance.

9.02 Home Owner's Responsibility

Each Homeowner is responsible for maintaining a Lot and all improvements to the highest standards in accordance with these Design and Environmental Standards as adopted by the board of Directors or the DRB and amended from time to time. Lawns must be kept mowed to a height of no more than five inches (5"). Painted surfaces must be kept free of peeling paint at all times.

Site maintenance responsibility for each Homeowner shall extend to the property lines of each Lot, and include any portion which is in a dedicated "Conservation Easement" as described by Article 7.04. This responsibility will extend to the curb along public streets or the edge of the designated buffer for the purpose of maintaining lawns and landscaping.

The Association may designate Common Areas within the property for maintenance by the Association.

9.03 Association Responsibility

The LANDFALL at Jamestown Community Association will be responsible for maintenance of the Common Area parcels. Association maintenance responsibility includes but is not limited to the following areas and improvements:

- All property and improvements on the Common Areas.
- Easements and improvements for access to and from the Common Areas.
- Common Area lighting.
- Street trees planted within the right of way of public roadways.
- Improvements at the main entrance including signage, landscape, irrigation, and lighting.
- Street pavers or special treatments installed within public roadways not maintained by Virginia Department of Transportation or the County of James City, Virginia.

9.04 Violations and Enforcement

Violations of these Design and Environmental Standards are enforceable as provided for in the Covenants and Restrictions applicable to LANDFALL at Jamestown.