

Architectural Control Board

**FAIRHILL ARCHITECTURAL
GUIDELINES**

August 16, 2019

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I. AN OVERVIEW

A. DESIGN GUIDELINES-PURPOSE

Fairhill is planned as a distinctive and unique southern charm community. In order to establish and maintain a consistent character for the community, and to insure that homes are well designed, constructed, and landscaped, Design Guidelines (hereafter referred to as the “Guidelines”) have been developed. The intent of the Guidelines is to accommodate individual taste to the extent possible, while ensuring that overall property values within the community are protected.

B. EMPOWERMENT

The requirements as discussed herein are effective 7.8.2019 and are adopted by Fairhill ACB as its general policy pursuant to authority set forth in Articles VII thru X of the Fairhill Declarations of Covenants, Conditions, Restrictions and Easements.

C. ADMINISTRATION

To administer the Guidelines, Fairhill Owners’ Association, Inc. has appointed the Fairhill Architectural Control Board (hereafter referred to as the ACB). The ACB meets twice monthly, or as required, on the second and fourth Tuesdays to review and provide comment on submitted plans.

D. ITEMS REQUIRING APPROVAL

Prior to beginning construction or installation, ACB approval is required for any improvements placed or constructed on a lot including but not limited to the following:

- Construction of a new home
- Modifications or additions to an existing home
- Construction of secondary structures
- Landscaping and landscape changes (including Tree removal)
- Fences
- Pools
- Basketball goals, swing sets or play equipment
- Driveway and parking areas
- Terraces
- Garden walls
- Exterior colors
- Awnings
- Exterior lighting
- Retaining Walls

Alterations in the exterior appearance of any building, fence or other structure, including exterior color or finish and roof color, require ACB approval. Pine trees measuring less than six (6) inches or other trees measuring less than three (3) inches in diameter, at a point two (2) feet above ground level may be removed from lots by the Owner without ACB approval. Should such removal occur the Owner shall be responsible for cleaning and seeding the lot as necessary.

E. SUBMISSION DEADLINES FOR PLANS

Plans must be submitted to the ACB Administrator no later than 7 days before the next scheduled meeting in order to guarantee review at that meeting.

F. PLAN REVIEW FOR PRELIMINARY APPROVAL

The ACB will review sketches of preliminary drawings of house plans, site plans, landscape plan or other items to provide the Owner conceptual approval or suggested changes prior to the preparation of construction ready final plans. Preliminary approval does **NOT** imply approval to start lot clearing, site work, landscaping or house construction. **FINAL PLAN APPROVAL**, payment of appropriate fees, and stakeout review are required prior to beginning lot clearing or construction activities. Preliminary review is **NOT A REQUIRED** part of the ACB review process, but an available step to provide the owner input prior to the expenditure of funds for design work.

G. PLAN REVIEW FOR FINAL APPROVAL

1. Plan Submittals:

At least one (1) set of plans and all related data must be submitted to the ACB and will be retained by the ACB as part of its records. Should the owner desire plans be returned with comments, a minimum of two (2) sets must be submitted. While the ACB has up to thirty (30) days to respond to submittals, it is the policy of the ACB to respond as quickly as possible. The Owner and/or Owner's representative will be notified of the ACB's action in one of the following ways:

- Approved as submitted
- Approved subject to stated conditions; or
- Disapproved with comments

2. Submittal Forms:

A Fairhill ACB Submittal Form (Attachment 1) must accompany EACH plan submitted to the ACB. A single Submittal Form may accompany plan submissions for several types of plans with each item so noted on the Submittal Form. For instance, one Submittal Form may be used for final house plans, site plan and landscape plan for a new home. However, if house plans and a landscape plan for a new home are submitted at separate times, then a Submittal Form must accompany each submittal.

The Form and attachments can be submitted to any ACB Board member by hand delivery, delivery service, email or by dropping them into the drop-box located in the Club House. Upon receipt of a submission, the ACB will notify the submitter and inform them at which meeting it will be reviewed. It is up to the submitter to follow up with the ACB if they are not notified.

3. Meeting Attendance:

Owners and/or the Owner's representative MUST attend the ACB meeting to discuss the submission of plans. It should be noted that involvement of a design professional or contractor does not relieve the owner of the responsibility to meet ACB requirements.

4. Plan Review Fees:

The review of final house plans for a new home requires the payment of a fee of \$500.00 to the Rick Funk, Architect. This payment should accompany the submission of final house plans, and approval will not be given until the fee has been paid.

5. Final Site Plans and House Plans:

The ACB will review plans submitted in accordance with the established Guidelines on a weekly basis until all issues are resolved to the satisfaction of the ACB, and final plans approved. A site plan must accompany house plans before final approval is granted for either. A landscape plan may be submitted at this stage, or deferred until later. Review and approval of plans by the ACB DOES NOT constitute approval of requirements of Albemarle County, or of the structural and engineering sufficiency of the plans, and the ACB, its members, or Fairhill Owners' Association, Inc. assume no liability or responsibility therefore.

6. Plan Modifications:

Any modifications or additions to approved plans including material or color changes must be submitted to the ACB for approval prior to implementation.

7. Builder Approval:

Because they are familiar with the ACB process and requirements, owners are encouraged to use FAIRHILL ESTATES SELECT BUILDERS for construction of their homes. Builders other than Select Builders will require approval by the ACB and if approved may be required to deposit with Fairhill Owners' Association, Inc. a cashier's check in an amount to be determined by the ACB before construction begins. Owners may obtain a list of Fairhill Select Builders from the Fairhill Owners' Association, Inc.

Before any clearing or construction can begin, all builders will be required to sign a Damage and Completion Deposit Agreement and pay a minimum of \$5,000.00. Monies will be refunded (with interest earned) upon satisfactory completion of the project as described in the Damage and Completion Deposit Agreement.

8. Pre-construction Requirements:

Prior to the start of construction, site plan and house plan approval must be obtained in writing.

Additionally, the Owner of their agent must meet on their lot with a representative from the ACB to review the stake out of the approved site plan. Each corner of the house should be clearly marked by a stake and the driveway defined with flagging tape. Any other areas to be cleared should also be clearly marked with flagging tape. At this meeting, a Construction Agreement Form (Attachment 2) must be filled out and signed by the Owner, or their agent. Completion of this form is required before clearing and construction is allowed to begin.

9. Landscape Plan Review:

A landscape plan must be submitted, approved in writing by the ACB, and the landscaping installed prior to issuance of a Certificate of Compliance. In the event inclement weather postpones installation of landscaping until after occupancy, an appropriate amount to be determined by the ACB will be held in escrow until the landscaping work is completed. Please refer to section II, paragraph C for more detailed information on landscape requirements.

10. Conditional Approval Presumption

In the event that the ACB fails to approve, modify or disapprove in writing a request for approval required within 60 days after plans, specifications or other appropriate materials (all of which follow the ACB Guidelines) have been submitted in writing to it, the submitted plans and specifications shall be deemed to have been conditionally approved. The burden shall be upon the Owner to show the date of the submission and that the plans and specifications were PROPERLY submitted to the ACB.

11. Conditional and Final Approval and Inspection

Preconstruction approvals granted by the ACB herein shall be deemed to be conditional approvals. They may become final approvals upon the ACB's inspection of the actual completion of the changes or improvements or repairs and finding them to be as set forth in the plans and specifications submitted to the ACB. In the event that the actual completed changes, improvements or repairs do not, in the judgment of the ACB, conform to the plans and specifications approved by it, the the ACB's approval, whether given in writing or by presumption, may be withdrawn. It shall be incumbent upon the Owner to notify the ACB in writing within 30 days after the completion of work to request final approval in writing. If final approval is refused, the Owner shall make changes and resubmit until final approval is obtained.

Following the completion of all site work, house construction, landscaping, other construction or installation activities and site cleanup, the ACB will perform a final inspection. In this inspection the ACB will confirm the applicable items including but not limited to:

- The siting of the house, driveway, walkways, retaining walls, and other items as well as materials used to conform to the approved site plan and any approved modifications.
- The exterior of the house, including materials and colors, and architectural details conform to the approved house plans and any approved modifications.
- The landscaping conforms to the approved landscaping plan and any approved modifications.

Should all work conform to approved plans, and provided conditions contained in the Construction Agreement are met the ACB shall issue a Certificate of Compliance.

12. Certificate of Compliance:

Upon satisfactory completion of the final inspection and receipt of all appropriate fees the ACB will issue a Certificate of Compliance. The ACB requires at least a 48 hour notice before the Certificate of Compliance can be issued in order to complete the final inspection. If a bond or letter-of-credit was required, it will be released at the time the Certificate of Compliance is issued.

13. No Approval:

Should an Owner commence any work which requires ACB approval without its conditional approval or complete any work without seeking ACB final approval within 30 days of completion, the ACB, the Association or any Member may take appropriate legal or equitable action and may cause a lis pendens to be filed against such Owner's Lot. Furthermore, the ACB or the Association has the right (but not the obligation) to correct any violation and impose Correction Assessments as set forth in Article VIII, Section 2 of the Fairhill Declaration or Covenants, Conditions, Restrictions and Easements.

II. PLAN REQUIREMENTS

A. SITE PLAN

A site plan must be submitted at a scale of 1" = 10', and must include the following information:

- Lot number
- Owner's name
- Name of person or company who prepared the plan
- Date plan prepared
- Utility and drainage easements
- Building setback lines
- All proposed structures including decks, porches, stoops, terraces, HVAC equipment, outbuildings and play equipment
- Driveway, walks, parking and/or service courts, fences, swimming pool and pool equipment, site lighting, retaining walls, and any other elements visible from outside the home
- Topographic contour lines at two (2) foot intervals indicating areas of significant grade changes and natural drainage areas
- The area to be cleared and areas of existing vegetation to remain. Selected trees to remain in areas of general clearing should be indicated
- Planned connections for water and sewer
- When judged to be needed by the Fairhill ACB, the owner/builder will be required

- to show adjacent lots and home sitings as part of their site plan application
- Locate gutter drains and where they will daylight on the site plan or the landscape plan

B. HOUSE PLANS

An architectural seal is highly encouraged for all house plans, but is not required. Specific information to be submitted with house plans includes the following:

- Lot number
- Owner's name
- Name of person or company who prepared the plan
- Date plan prepared
- House elevations at a scale of $\frac{1}{4}'' = 1'$ with notes indicating all exterior finishes and materials, accurate grade lines, and any attached elements such as decks and retaining walls
- Floor plans at a minimum scale of $\frac{1}{8}'' = 1'$ scale. While the ACB does not approve floor plans, they are often utilized in suggesting revisions to the exterior elevations
- Architectural details for exterior doors, windows, porches, and entrance features are encouraged and may be required by the ACB prior to final plan approval. If required, they must be at a minimum scale of $\frac{3}{4}'' = 1'$.
- Material and color samples may be required by the ACB prior to final plan approval, but, in any case, are required prior to installation.
- Elevations for any secondary structures such as garages, storage buildings, etc., at the same scale and providing the same information as the house plans
- Elevations for any secondary structures such as garages, storage buildings, etc., will be at a scale of $\frac{1}{4}'' = 1'$ with notes indicating all exterior finishes and materials, accurate grade lines, and any attached elements such as decks and retaining walls.

C. LANDSCAPE PLAN

A landscape plan must be submitted at a scale of $1'' = 10'$ either as additional information on a copy of the approved site plan or as a transparent overlay of the approved site plan, i.e., on tracing paper. The landscape plan must include the following:

- Lot number
- Owner's name
- Name of person or company who prepared the plan
- Date plan prepared
- Existing areas of vegetation including existing trees in cleared areas
- Areas to be grassed, mulched or left natural
- The number, plant name, size and location of plants to be installed
- The species of the plant material to be installed must be listed as well as the size of the plant material. For trees, the caliper of the trunk as well as the height of the tree must be listed.
- The lot boundary lines and house footprint, along with driveway, walks, patios, decks, retaining walls, fences and other hardscape items
- Topographic contour lines at two (2) foot intervals areas of significant grade changes

- and natural drainage areas
- Utility and drainage easements

III. DESIGN GUIDELINES

The following general design guidelines are offered to property owners and their designers as a planning guide. The guidelines should be followed, and exceptions will be granted only where strict adherence would result in extreme hardship. As Fairhill grows, the relationship of each residence to its neighbor will become increasingly important and will be a prime consideration in the design process.

At Foxchase, to create a living environment that enhances the rich, historical character of the property and preserves a sense of identity and community, the design process for individual houses shall integrate building forms which are carefully planned additions to the natural setting. Careful siting, selection of colors and materials, and design considerations that extend beyond the building walls to include the entire home site shall create the most pleasing community possible.

In order to enhance the historical character of Foxchase, a traditional attitude regarding exterior architectural style is encouraged. Traditional design principals should be used to create authentic historic structures, or appropriate interpretations of traditional homes. Exterior elevations should be carefully designed in order to develop a consistent aesthetic in terms of scale, proportion, and balance. In this context the term traditional is intended to mean those house styles traditional to this region of the country

Generally, the relationship of the house to the street shall be considered less important than other constraints such as views, topography, trees, and breezes. It is not as important that the house be parallel to the street as it is for the house to be fitted naturally into the site, taking advantage of views and unique vegetation while minimizing the impact on the green space, or the adjoining property. Preserving the existing terrain, using natural vegetation and minimizing disturbance of the natural setting should be focal points for landscaping.

Landscaping in a manner that strongly “connects” the house to its natural setting, siting houses so they are staggered in relation to one another and careful selection of colors are some of the most important considerations used to achieve a pleasant “streetscape”.

The most effective streetscape, therefore, is one which the houses are sited and landscaped in a way that they blend together and yet still display the uniqueness of the individual house designs.

A. SITE IMPROVEMENTS

1. House:

- When siting houses, care should be taken to preserve existing natural vegetation and topography. The existing terrain shall be left undisturbed wherever possible.

2. Driveways:

- Driveways are limited to a single entrance from the road
- Where a pipe is required at the entrance to accommodate drainage, a 15” diameter by 24’ long corrugated metal pipe (CMP) must be used, and flared metal ends are required. The installation requirements are illustrated in the Addendum to this document.
- Where required, the CMP must be installed before site work begins.
- Driveways should be considered from the standpoint of safety access upon the main road and ease of grade, minimizing the amount of required clearing
- Curved driveways are encouraged
- Driveways must be paved with asphalt or graveled with a brown stone. In parking courts, other hard surface paving materials may be used, but require approval of the ACB
- A minimum buffer of four (4) feet must be maintained between the driveway and parking areas and property lines. The buffer required may be increased near where the driveway intersects the street to minimize the degree to which the driveway radius extends past the extended side lot line.

3. Walks:

- Walks must be 8’ from the house in order to accommodate landscaping between the walkway and the foundation
- Walkways must be of concrete or brick, slate or similar materials set in concrete. They may not be material loosely placed on top of stone dust or dirt, or constructed of wood or gravel
- Walkways may not go to the street but must have entrance from the driveway

4. Retaining Walls:

- If attached to the house, retaining walls must be the same material as the foundation
- If a retaining wall is judged to be a safety hazard, a railing approved by the ACB may be required
- If the wall is a landscape wall made of timber it cannot be higher than 30” above finish grade. However, timber walls may be terraced provided no wall is more than 30” above finish grade
- If wall is built around the ends of driveway culverts, it must be either fieldstone, gray stone or stone approved by the ACB. A flared end to the pipe is still required.
- ACB approval does not constitute approval by Albemarle County or Virginia Department of Transportation (VDOT) relative to drainage issues and or compliance with VDOT rules.

5. Trash Receptacles/Outdoor HVAC Screening:

- All outdoor HVAC units and trash receptacles must be visually screened from the street and neighbors with a solid stained or painted picket fence as illustrated in the Addendum to this document; or a similar architectural element approved by the ACB. The ACB will review placement of these units to ensure that their screening conforms to community standards.

6. Exterior Lighting:

- Landscape lighting is encouraged, but requires ACB approval.
- Post light location shall be submitted with site plan or landscaping plan. Post light must be located on owner's property, not in common area. House mounted fixtures including flood lights are acceptable but should be directed in such a manner as to minimize the impact on adjacent property.
- In approving lighting, the impact on adjacent properties will be considered by the ACB

7. Fences:

- The ACB will review each fence application on an individual basis, and in its sole discretion will determine whether the fence will be approved. All fence proposals must include a foundation survey showing the current location of existing structures with the proposed fencing area shown.
 - Boundary fencing must be a three or four plank dark stained fence in keeping with Fairhill southern living. For use to enclose such a fence, a 2" x 4" gauge turkey wire on the inside will be acceptable. Boundary fencing must be placed a minimum of 5 feet from the property line to allow room for any maintenance needed to the fence or lawn. Boundary fencing may only be used in the rear yards, and not extend beyond the rear corners of the house
 - All other fences such as pool enclosures, privacy fences, and decorative fencing for landscaping purposes will be considered by ACB on an individual basis. Factors taken in to consideration will include the height of the proposed fence, the visibility from the road, and the style offence in relation to the architectural design of the house. Also considered will be plantings used to buffer the fencing from view and to lessen the impact of the streets and neighboring properties
 - Invisible fences will be 2' inside property line

8. Backflow Prevention on Irrigation Systems:

- The Albemarle County Code, Section 19. 1-11 requires the water purveyor (Service Authority) to eliminate or control all cross connections. Irrigation systems are considered to be a high hazard; therefore, Albemarle County Service Authority requires a reduced pressure principal backflow prevention device to be installed. Because of the differential pressure relief valve on this particular device it cannot be located in a pit. The ASCA does not take exception to the device being located in a crawl space, basement or above ground as long as there are not branches between the tap and the backflow prevention device. The device must be screened if it is in the yard It can be hidden in the landscape design or screened with plantings if it stands alone

9. Gutter Drains:

- Locate gutter drains and where they will daylight on the site plan or the landscape plan

B. HOUSES

1. Foundations:

The owner and builder should strive to minimize exposed foundations walls. Exposed foundations shall be covered with brick, stone or stucco in a complimentary color to the house and accepted by the ACB. Uncovered concrete, painted parged block, or wood materials are unacceptable.

2. Roof:

- Roof pitches must be 7/12 or greater. Any exceptions must be approved by the ACB
- Wood shingles or shakes, architectural asphalt shingles, sheet metal, copper and slate roofs are acceptable. Asphalt or fiberglass shingles must be rated at a 25 year minimum. Asphalt roof colors must be dark brown, dark gray or black. A copper roof may be allowed to finish naturally, and raised seam metal roofs must be dark in color.
- All plumbing vents must be painted black where they exit from the roof

3. Siding:

- In order to create harmony on the site it is suggested that brick, composition concrete siding such as Hardiplank, stone, cedar, cypress or redwood siding be used as an exterior finish. Other exterior materials may be considered by the ACB depending on the particular specifications.

4. Windows/Doors/Trim/Shutters:

- Metal windows and doors must be of a painted or baked enamel finish. No natural metal finish such as aluminum finished windows, storm doors, or doors are to be used. Window screens and storm doors must be white, anodized bronze or match the trim or body color of the house. The style of storm doors must be approved by the ACB. Window casings must be 3 ¼” minimum and wood sills must be 2 ½” on the front elevations of the house. On a brick house, bull-nosed brick will be allowed in lieu of 2 ½” wood sills. On wood sided houses, corner board must be 6” minimum. Shutters are not required on houses. However, if used they must be operational with hardware (i.e., “S” guards). Vinyl shutters are allowed with ACB approval with proper installation of hardware (hinges and hooks). Window trim detail, cornice detail and rake return detail are shown in the Addendum to this document. Shutters must be half the width of the window in size. No shutters will be allowed on “twin windows” without specific approval by the ACB
- Where mullion bars are required by the ACB, they must have a traditional profile with a minimum depth of 3/8”. Snap-in mullions are allowed. The ACB may require window specifications/cut sheets as part of the approval process, and will indicate when such specifications are required. Mullion bars in the airspace on insulated windows may be permitted. For approval, a window submittal will be required by the ACB.

5. Garages:

- Rear entry garages will be permitted only in unique situations due to the extra clearing required
- Front loading garages are discouraged except in situations where the lot width or grade conditions make side loading undesirable or impossible (generally in cul-de-sacs)
- A two car garage, either detached or integral to the house is required for any house in Foxchase

6. Front Porch:

- Wood flooring on front porches must be paint grade material and be painted unless otherwise approved by ACB
- Wood front porch steps must have risers. The construction must be paint grade wood and treads and risers must be painted
- Wood porches must be supported with columns of brick or of the approved foundations material (if not brick), and the areas between the columns enclosed with lattice or in another manner acceptable to the ACB.

7. Gas Fireplaces:

- If the fireplace is on the front of the house and out boarded, it must have a full chimney. If the fireplace is in boarded, no vent pipes will be permitted on the front of the house or on the front portion of the roof.
- If the fireplace is on the side of the house and not in boarded, a full chimney is required. If the fireplace is in boarded a vent will be permitted either through the side of the house or through the rear portion of the roof (i.e., the back roof of the house). If vented through the roof, the vent must be painted to match the roof color or painted black. If vented through the side, the vent must be painted to match the siding, or if the siding is brick, the vent must be painted black.
- If the fireplace is on the rear of the house, the same rules apply as to the side of the house, except that the ACB will consider alternative designs for the purpose of creating special architectural elements. For instance, glass surrounds of a gas fireplace will be considered to the rear of homes. In considering exceptions, the ACB will consider the visibility to neighboring properties and streets.

8. Decks:

- Decks will be solid stained or painted and if on highly visible lots from the street, need to be supported with columns other than treated timbers. If wood, deck supports should be a minimum of 8x8 posts and solid stained or painted. Other supports such as brick pillars are encouraged.

C. LANDSCAPING

1. Minimum Requirements:

The minimum landscape requirements are shown in Attachment 3, and apply to the front of the home from front corner to corner. The minimum requirements are a baseline to

begin a landscape design. Additional plants may be required by the ACB, depending on the size of the home and the size of the lot, as well as how the home sits on the lot and interacts with its neighbors. Ornamental grasses and similar perennial plants will not be considered as part of the minimum requirements. Likewise, ground-hugging junipers and similar ground covers will not be considered as part of the minimum requirements. Existing shade trees preserved in the front yard may be counted toward the minimum requirement. Note item 2, Grass Border and Trees at Street, is part of the minimum requirements.

2. Grass Border and Trees at Street:

A 15' strip of lawn adjacent to the road is required. If there are trees existing along road frontage, mulched beds around the perimeter of trees will be acceptable with grass around the perimeter of the mulched beds. In any case, a grass strip must be maintained by the Owner along the road edge through the ditch line.

Additionally, each home not completed before January 1, 2008 will require 1 tree for each 50' of road frontage and 1 additional tree for the fraction above the 50' increments of road frontage, with placement no closer than 15' from the road and no further than 25' from the road frontage. Trees can be chosen from the following:

- Magnolia
- Ash
- Bradford Pear
- Birch
- Maple
- Kwanzan Cherry
- Zelkova
- Oak

4. Substituting of Flowering Trees for Shade Trees:

Flowering trees may be substituted for shade trees to meet minimum requirements provided shade trees already exist in the front of the house in locations necessary to meet the minimum requirements.

5. Additional Landscaping:

Additional landscaping may be required to address erosion control and other site sensitive situations such as parking areas. Where mulch is used as an erosion control measure, it must include plantings for stabilization.

6. Seeding/Soding of Street Shoulders:

In seeding and/or sodding of the lot, positive drainage must be maintained from the edge of the road through the ditch.

7. Statues:

Statues or other ornamental pieces that are in the front yard must be indicated on the landscape plan.

IV. OTHER REQUIREMENTS

A. Fuel Tanks, Etc.

Fuel tanks or similar storage receptacles may be installed only within a main building, accessory building or buried underground. Propane tanks for grills that are hand carried off site for replacement or refill do not have to be buried but will be treated as a part of the grill.

B. Outbuildings

Freestanding storage sheds; workshops, garages, or other outbuildings must be designed and located as an integral part of the house, service yard, and landscape designs. The same approval process is required for such out buildings as is required for the house.

C. Doghouses, Playhouses, Etc.

Dog houses, playhouses, gazebos, and other such structures must be painted or stained to blend with the house and/or natural landscaping. Approval of such structures by the ACB, including their location, is required.

D. Trash/HVAC

As stated under Site Plan Design Requirements, outdoor receptacles for ashes, trash, rubbish or garbage shall be screened, installed underground, or placed so as not to be visible from any lot or street within the development at any time except during refuse collection.

E. Antenna/Satellite Dishes

No free standing television antenna, satellite dish, radio receiving or transmitting antenna shall be constructed or permitted on any lot or exterior of any dwelling except satellite dishes less than 30" in diameter. The location of those satellite dishes permitted must be approved by the ACB.

F. Mailboxes

Original mailboxes will be provided by the Builder/Owner for each new residence. The mailboxes will be the Fulton Model **2C-BLK** rural mail box. Posts will be ESSEX GREEN SOFT GLOSS, a stock item a Blue Ridge Building Supply. Any alterations in color or design of the mailbox and post must be approved by the ACB. Replacement of the mailbox, when required, will be the responsibility of the Owner, and must be the same design as the original, unless approved by the ACB.

G. Number of Structures Allowed

No more than one (1) detached single family dwelling, one (1) small accessory Building, and one (1) detached private garage shall be permitted on one lot. An accessory building may not be constructed prior to the construction of the dwelling.

H. Signage

No more than one (1) sign is allowed per lot or home. This includes, but is not limited to, for-sale and security signs. No construction or landscaping signs are allowed.

I. Play Equipment/Swing Sets. Etc.

The location of play equipment such as swing sets and basketball goals must be approved by the ACB, and may require landscaping for buffering.

V. CONSTRUCTION REQUIREMENTS

A. Construction Period

House construction, including landscaping, must be completed within the period identified on the Construction Agreement Form (Attachment 2) executed by the ACB and the owner or the owner's agent.

B. Fire Burning Policy

Burning of clean wood and paper products in 55 gallon drums for the warming of workers during cold weather months is permitted on construction sites. No other types of fires are permitted and no other types of materials are allowed to be burned. County codes are to be obeyed at all times.

C. On-site Water Policy

Fairhill Estates Owners' Association Inc. will not furnish water on a construction site. The builder may apply for a temporary meter through the Albemarle County Service Authority at (434) 977-4511.

D. Trash and Construction Debris

Each construction site must have some type of trash container located on the premises. Metal trash boxes are required. The area must be kept neat and free of liter and debris. A fenced area is not permissible.

E. Construction Hours

In order to provide a living environment that enables families to make the most of Fairhill's many amenities certain restrictions must be in place to reduce noise and vehicular traffic within the neighborhood. The following restrictions shall apply to all construction activities performed within Foxchase.

1. Time Restriction:

Construction activities shall conform to the following time schedule:

Monday through Friday – 7am until 5pm

Saturday – 10am until 5pm

Sunday – No construction activities are allowed

2. Holiday Restriction:

Construction activities shall not be allowed on the following holidays:

New Years Day
Labor Day
Independence Day
Memorial Day
Thanksgiving
Christmas

F. Portable Toilet Facilities

Each builder is responsible for providing a portable toilet facility at the construction site. Sharing of the toilet with another builder is acceptable to the ACB, but must be arranged by the builders. Portable Toilets should be located in the rear of the driveway (furthest from the road) and must be situated so that the door opens toward the new structure.

G. Material Storage

Construction materials may not be stored on a lot earlier than two weeks prior to the start of construction, and not before final house and site plan approvals have been obtained.

H. Mud Control

A gravel surface to the construction area must be maintained at all times to keep mud from being tracked to adjacent street. If mud is tracked onto the street from construction, builder is responsible for cleaning after each day. If builder does not clean the road, Fairhill ACB will clean and bill the builder.

I. Equipment Loading/Unloading

All equipment must be loaded and unloaded on the lot. No tracked vehicles or equipment are allowed on paved streets for any reason.

J. Street Shoulders

Damage to street shoulder occurring as a result of construction must be corrected by the Owner/Builder at the completion of construction.

K. Underground Utilities

Prior to the start of construction, all utility companies must be contacted by the Owner/Builder to mark the location of underground utilities. Areas disturbed to connect utilities must be restored by the Owner.

L. Silt Fences

Silt fences, are required during the construction period and are the responsibility of the Owner/Builder to install and maintain.

M. Signage

For all lots, including empty lots, homes under construction and existing homes, no construction/landscaping signs are allowed. See (see IV.H).

N. Contractor Parking

When possible, parking must be contained on the lot under construction. If this is not possible, parking is NOT permitted on shoulders or vacant lots.

VI. ATTACHMENTS AND ADDENDUMS

Attachments as follows:

Attachment 1: FAIRHILL ESTATESACB – SUBMITTAL FORM (included in document)

Attachment 2: FAIRHILL ESTATESACB – CONSTRUCTION AGREEMENT FORM
(included in document)

Attachment 3: Minimum Landscape Requirement (included in document)

Attachment 4: Radon installation example (in Addendum package)

Attachment 5: Typical Cornice Detail (in Addendum package)

Attachment 6: Trash Screening Example (in Addendum package)

Attachment 7: Typical Window Trim Detail (in Addendum package)

Attachment 8: Typical Rake Return Detail (in Addendum package)

Attachment 9: VDOT Standard Private Entrances (in Addendum package)

Attachment 1:

FAIRHILL ACB – SUBMITTAL FORM

Lot Number: _____ **Owner:** _____

Submission Date: _____

Submitted By: Name: _____

Address: _____

Phone: Office: _____

Home: _____

Fax: _____

Mobile: _____

PURPOSE OF SUBMISSION:

PLANS SUBMITTED:

(Indicate type, plan date, and designer for each plan)

OTHER ITEMS SUBMITTED:

(Materials, colors, etc)

Date Reviewed: _____

By: _____

ACTION BY ARB:

NOTE: Provide conceptual drawings and attachments

ATTACHMENT 2
FAIRHILL ACB – CONSTRUCTION AGREEMENT FORM

Lot Number: _____ Owner: _____
Stakeout Review Date: _____ By: _____
ACB Representative(s): _____

Plan approvals required prior to starting construction:

Site Plan dated: _____ Approved: _____
House Plan dated: _____ Approved: _____

Stakeout Review:

House sitting conforms to approved site plan: _____
Driveway/parking areas conform to approved site plan: _____
Clearing area conforms to approved site plan: _____
Trees to remain in cleared areas are marked: _____
Other: _____

Lot stakeout is: Approved: ___ Disapproved: ___ By: _____

Agreements relative to construction:

- 1) Start date is _____. House construction, site work and landscaping MUST BE COMPLETED WITHIN ONE YEAR OF START DATE.
- 2) Condition of shoulders at lot and adjacent lots is _____

- 3) Driveway culvert is ____ is not ____ needed. If needed, the culvert will be installed prior to the start of construction and will meet the requirements set forth in the Fairhill ACB Guidelines.
- 4) Owner/Builder is responsible for maintaining the street adjacent to the lots in clean condition during the construction period. Mud and other debris that accumulates on adjacent streets as a result of construction must be removed by the Owner/Builder. A gravel surface must be maintained at all times onto the construction site.
- 5) Owner/Builder must contain construction debris on site during the construction period. The means of trash containment for this site will be _____
_____ Owner/Builder understands that trash/construction debris will not be accepted at Development trash sites in Foxchase. Owner/Builder will insure that the trash containment receptacles are emptied at regular intervals and well before they are overflowed. Fairhill ACB has the authority to arrange for pickup if the Builder/Owner fails to maintain the trash levels. Owner/Builder understands that they will be liable for any expense incurred by Foxchase.

Builder/Owner

Initials: _____

- 6) All equipment must be loaded and unloaded on the lots. NO tracked vehicles or equipment are allowed on paved streets for any reason.
- 7) Restoration of areas disturbed for the connection of underground utilities must be restored by Owner/Builder within 4 hours unless other arrangements have been made with the effected homeowners within Foxchase.

8) Silt fences are required as follows: _____

9) Condition of water meter box is: _____

10) Condition of sewer lateral is: _____

Owner/Builder will repair damage to sewer lateral occurring during construction period unless such damage is noted above. Additionally, Owner/Builder will be responsible for re-seeding and strawing all areas disturbed to connect sewer other than areas as follows:

11) Burning is not allowed other than of wood and paper products in 55 gallon drums for the purpose of warming of workers. Owner/Builder is responsible for meeting all requirements of Albemarle County or other agencies for the purpose of such burning in 55 gallon drums.

12) If water is available to the lot, water will not otherwise be furnished by Fairhill during the construction period. If water is not available to the lot it will be furnished as follows until is available to the lot. _____

13) Owner/Builder is aware of the approved Construction Hours as stated in the ACB Guidelines, and will be responsible for insuring compliance.

14) Owner/Builder has read the ACB Guidelines and agrees to comply.

Agreed to By:

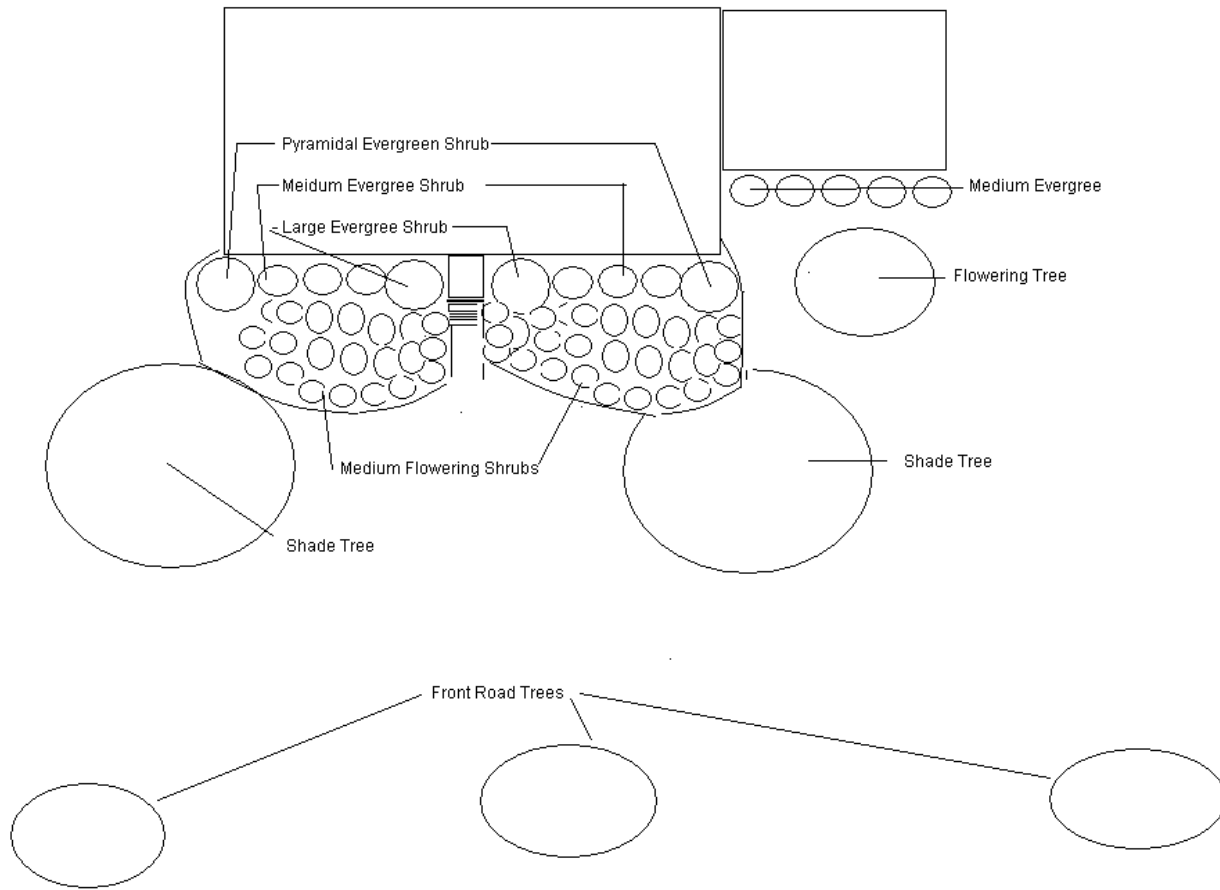
Builder/Owner Name: _____

Signature: _____

Contact Phone Number: _____ Contact email: _____

Date: _____

Attachment 8: Minimum Landscape Requirement



Minimum Landscape Requirements

1. Shade Tree	Quantity 2	2"-2.5" cal
2. Flowering Tree	Quantity 1	6'-8' height
3. Pyramidal Evergreen Shrub	Quantity 2	4'-5' height
4. Large Evergreen Shrub	Quantity 2	2'-2.5' height
5. Medium Evergreen Shrub	Quantity 11	11"-24" height
6. Medium Flowering Shrub	Quantity 14	18"-24" height
7. Small Evergreen Shrub	Quantity 20	15"-18" height
8. Choice of Trees as specified in Section III.C.2, Grass Border and Trees at Street	Quantity*	2"-2.5" cal

* Quantity is determined by road footage. 1 tree for every 50' of road frontage is required.

Fairhill Estates Architectural Control Board

Damage and Completion Deposit Agreement

LOT _____, FAIRHILL ESTATES

BUILDER/OWNER: _____

DATE: _____

In accordance with the Fairhill Estates ACB Guidelines, the above referenced Builder/Owner of the referenced property has provided the ACB with the proper plans for the dwelling to be constructed on LOT _.

The Builder/Owner agrees to all the terms spelled out in the Fairhill Estates ACB Guidelines, including the references to possible damage to the roads, adjacent properties and trash maintenance. The Builder/Owner understands that the project must be completed within 1 (one) calendar year of the start date specified in the Fairhill Estates ACB Construction Agreement Form.

Before the Builder/Owner proceeds with any work of any nature on the referenced property, the Builder will provide a deposit of \$7,000 to the Fairhill Estates ACB. After the ACB officially approves the completed project, the Builder Owner will receive a Fairhill Estates Architectural Approval Certificate of Compliance, and the deposit plus interest earned will be returned to the Builder/Owner within 5 business days less any of the following if applicable:

1. Any payments that Fairhill Estates had to distribute for:
 - a. Trash removal
 - b. Damage to surrounding areas
 - c. Upkeep of lot or surrounding areas
2. Late fee of \$5,000 if property is not completed 1 year from the start date specified in the ACB Construction Agreement Form.

Agreed:

Builder/Owner: _____

Fairhill Estates ACB: _____

Signature: _____

Signature: _____

Date: _____

Date: _____