

## **THE TOWNS AT SWIFT CREEK HOMEOWNERS ASSOCIATION**

### **ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES**

The objective of these guidelines is to identify criteria which will promote and maintain a high quality of community appearance and shared enterprise consistent with the standards envisioned for The Towns at Swift Creek Homeowners Association. Only construction which follows the standards of architecture, design and landscaping features consistent with these guidelines will be approved in order to create a context in which individual tastes will not be sacrificed, but blended in such a way that overall property values will be protected. It is also the purpose of the guidelines to specify design submission requirements and the design review process. If these standards are in conflict with the Amended and Restated Declaration of Protective Covenants and Restrictions or any amendments thereto (the "Original Declaration"), the Articles of Amendment and Restatement, or the Amended and Restated Bylaws of Swift Creek Townhomes Property Association, Inc. or the Declaration of Protective Covenants and Restrictions (the "Declaration"), bylaws or articles of incorporation of Towns at Swift Creek Homeowners Association, Inc., any supplements or amendments thereto, or any applicable law or ordinance, the other document or law will control.

All capitalized terms used herein shall be as defined in the Original Declaration and Declaration. The design criteria set forth herein (the "Design Guidelines") and any other terms of these Guidelines are subject to change or modification by the Architectural Review Board (the "ARB" or the "Board") at any time and without notification. Until such time as the Developer assigns the right to approve plans to the ARB, all references in the Design Guidelines to the ARB shall refer to the Developer. Article VI of the Declaration further provides that the Developer may delegate certain ARB responsibilities to the Association or the Sub-Association, and the Board of Directors of the assignee may appoint its own review board, referred to as the Architectural Review Committee (the "ARC") in the case of the Sub-association, which satisfies the same criteria as the ARB. References herein to the ARB or the Board shall also include the ARC to the extent that ARB responsibilities have been delegated to the ARC. Any such delegation of ARB responsibilities to the ARC may be granted with conditions, such as a requirement that any approvals granted by the ARC are subject to the approval of the developer or the ARB of the Association. Further, the ARB may vary from the Design Guidelines if they determine, in the ARB's sole discretion, that the variance is in the best interest of the community and so long as the variance does not violate any provision of the Declaration.

## **I. DESIGN PHILOSOPHY**

The purpose of the Design Guidelines is to create a living environment and community that is aesthetically pleasing and to preserve a sense of identity and harmony with the overall scheme of development of The Towns at Swift Creek Subjected Property by ensuring that improvements are not inconsistent with each other. Careful siting, selection of colors and materials, and design considerations that extend beyond the building walls to include the entire site are important means of achieving this objective. Buildings should complement adjoining structures.

## **II. ARCHITECTURAL RESTRICTIONS**

These Design Guidelines govern the use and maintenance of individually owned Lot within the Towns at Swift Creek Homeowners Association community and have been adopted by the ARB as its general policy pursuant to authority set forth in Article VI of the Declaration. The following restrictions and regulations will remain in force until such time as the ARB shall amend, replace or terminate them. The ARB reserves the right to interpret the Design Guidelines and to make exceptions to the Guidelines on a case-by-case basis through its normal administrative process.

Prior to beginning construction, ARB approval is required for any improvement (“Improvement”) placed or constructed on a lot, including but not limited to the following:

- \*Modifications or additions to an existing home
- \*Construction or placement of secondary structures
- \*Landscaping
- \*Fences
- \*Pools
- \*Decks
- \*Driveway and parking areas
- \*Patios
- \*Terraces
- \*Garden walls
- \*Exterior colors
- \*Awnings
- \*Retaining walls
- \*Animal pens or shelters
- \*Exterior lighting
- \*Signs, mailboxes or mailbox support
- \*Flags, flag poles or any flag display structure
- \*Permanent cooking grills
- \*Swing sets, sand boxes and play equipment

Alterations in the exterior appearance of any building, driveway, sidewalk, lamp post, mailbox, fence or other structure, including exterior color or finish, or landscaping or addition of any Improvement, requires ARB approval.

No live trees or live vegetation whatsoever may be cut or removed without the prior written approval of the ARB, unless (i) the tree or vegetation was installed by the Lot Owner, (ii) the tree or vegetation is located in a rear yard which is enclosed by a fence which has been approved by the ARB, or (iii) in the case of the removal of weeds. Should any removal by the Owner occur, the Owner shall be responsible for cleaning and seeding the Lot as necessary.

### **III. ARCHITECTURAL REVIEW BOARD**

To the extent such authority has been delegated to the Sub-association, the ARC will review all landscaping, structures, improvements and/or additions or modifications. The Declaration contains restrictions affecting each owner and the use of owner's site. The ARC will adhere to the Declaration. It is important to note that any building, alteration or addition, including fencing and recreational improvements, must be approved by the ARC.

Once created, the ARC shall consist of three (3) to five (5) members, as determined by the Board of Directors, who shall be Members of the Sub-association (or representatives of Members of the Sub-association which are not natural persons) and shall be appointed by and for terms as may be determined by the Board of Directors of the Sub-association. Developer may administer and enforce these guidelines until 100% of the Subjected Property and any additional area have been developed and conveyed to Owners other than builders; provided that Developer may turn over architectural control to the Association as to any portion or portions of the Subjected Property at any time. An ARC shall be appointed by the Board of Directors of the Sub-association from and after the date on which Developer delegates this responsibility to the Sub-association by written instrument executed by Developer. Developer or the ARC, as appropriate, shall meet as necessary to review proposed plans.

### **IV. DESIGN REVIEW PROCEDURE**

1. Construction Document Submittal Requirements - All Applications must be submitted on the form provided by the ARC, together with a construction schedule and the required plans. The ARC may reject applications that are incomplete or inaccurate. Required plans are as follows:
  - a. Site Plan A site plan must be submitted, and must include the following information:
    - i. Section and lot number,

- ii. Builder's Name,
  - iii. Name of person or company who prepared the plan,
  - iv. Date plan prepared,
  - v. Utility and drainage easements,
  - vi. Building setback lines,
  - vii. All proposed Improvements, including decks, porches, stoops, terraces, chimneys, HVAC equipment, outbuildings, play equipment and landscaped areas, and
  - viii. 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.
- 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 (provided that the Developer or ARC may waive any or all of the following in its discretion):
- i. Section and lot number,
  - ii. Owner's name,
  - iii. Name of person or company who prepared the plan,
  - iv. Date plan prepared,
  - v. House elevations with notes indicating all exterior finishes, materials, and colors, manufacturer's names, any attached elements such as decks and retaining walls and driveway material,
  - vi. Floor plans. While the ARC does not approve floor plans, they are often utilized in suggesting revisions to the exterior elevations and in determining minimum living areas,
  - vii. Architectural details for exterior doors, windows, porches, and entrance features are encouraged and may be required by the ARC prior to final plan approval,
  - viii. Material and color samples may be required by the ARB prior to final plan approval, but, in any case, are required prior to installation; and
  - ix. Elevations for any secondary structures such as garages, storage buildings, etc., providing the same information as the house plans.
- c. Site Improvements
- i. Exterior Lighting
    - 1. Landscape lighting is encouraged, but requires ARC approval.
    - 2. In approving lighting, the impact on adjacent properties will be considered by the ARC.

ii. Landscaping and Sediment/Erosion Plans

1. Plans showing the trees to be removed and those to be retained,
2. Plans showing shrubs, plants and ground cover to be installed,
3. A sediment and erosion control plan,
4. A tree protection plan.

d. Additional Information

The Owner shall provide such additional information as the ARC in its discretion may require.

2. After reviewing the properly submitted Plans, the ARC may approve the plans as submitted or return one copy to the Owner with comments. Approval to build and additional information or required modifications will be made in writing by the ARC within sixty (60) days after submittal of a complete Application, including Plans and construction schedule. If approval, denial, or a request for additional information is not received within sixty (60) days by applicant/Owner, the Application shall be deemed denied.

If the Application is disapproved, the Member has the right to appeal the decision to the Board of Directors. The Member may contact the ARC Chairperson, the Board of Directors or the management company in writing to indicate the desire to appeal the ARC decision. Prior to filing the appeal, the Member should review the reason that the ARC denied the request. If the Member is willing to accept recommended changes, the Member may submit an amended Application to the ARC indicating the changes that will be made to make the Application acceptable. If the ARC decision indicated that additional information is needed, the Member should resubmit the Application to the ARC with the required information. Resubmitted Applications will restart the sixty (60) day review period. After any of these applicable responses are exhausted, the Member may move forward with an appeal.

3. Two inspections and approvals by the ARC may be required:
  - a. Stakeout Review: If required, a member of the ARC or its designated representative will accompany the Owner or builder to the site to review the stakeout and approve the flagging for clearing. Each corner of the house should be clearly marked by a stake and the entire clearing (including the driveway) should be defined with flagging tape. Any other clearing (for view, etc.) should also be clearly marked.
  - b. Final Compliance: The exterior of the house must be built in conformance with the plan submitted. Approved colors, proper treatment of driveways and other requirements of these restrictions must be complied with before a final Certificate of Compliance will be issued by the ARC.
4. Any additions or alterations to approved Plans must be submitted to the ARC for consideration and approval before changes are put into effect.

5. Actual exterior construction must comply exactly with approved plans and specifications, including without limitation paint color. Final clean up must be completed prior to receipt of a Certificate of Compliance and final landscaping must be completed within twelve (12) months of start of exterior construction.
6. Builder Approval: Builders for renovations, additions, and remodels must be approved by the ARC, and if approved may be required to deposit with Towns at Swift Creek Homeowners Association a cashier's check in an amount to be determined by the ARC, to assure damage repair and project completion, before construction can begin. Monies will be refunded upon satisfactory completion of all phases of the project and complete damage repair.
7. Notwithstanding anything in these Design Guidelines to the contrary, in no event may an Owner other than Developer or Investor Owner alter or replace the exterior of any building or major improvement on a Lot or Parcel, driveways or sidewalks within the Subjected Property, with the exception of the doors and windows, unless otherwise approved in writing by the Association.

## **V. DESIGN CRITERIA AND RECOMMENDATIONS**

The following information and recommendations are offered to Owners and their architects or designers as a planning guide for use during the design process. The ARC will base its decisions on these considerations. Exceptions will be granted only in the sole discretion of the ARC.

In general, the desire is to create building forms that are harmonious with the landscape. Carefully selecting materials, colors and finishing will contribute to the overall appearance of The Towns at Swift Creek. As The Towns at Swift Creek grows, the relationship of each residence to its neighbors becomes increasingly important and will be a prime consideration in the design process. The following guidelines and restrictions apply to the Subjected Property within The Towns at Swift Creek community.

### **ARCHITECTURAL CHARACTER AND DESIGN**

1. **SITE ELEMENTS.** The existing terrain shall be left undisturbed wherever possible to preserve existing vegetation. Particular care should be taken to preserve ground cover so that the likelihood of soil erosion is minimized. All disturbed areas must be restored with an approved ground cover, which should be specified in the application. Site clearing must be labeled in writing on the site plan and landscaping plans. If supplemental plantings are expected, the variety and placement of such shall be designated.
  - a. **MAILBOXES, UTILITY SERVICES, ANTENAE, Etc.** Mailboxes shall be clustered and shall be as specified by the ARB, including materials, size, color, numbering and construction detail. Individual mailboxes are not allowed. All services to the home including prewiring for Cable TV must

be installed underground. Surface mounted mechanical equipment (e.g. HVAC, generators, pool equipment, utility meters) shall be screened from view and grouped together away from street/public view. Antennae must be installed in compliance with the Declaration. Satellite dishes are not required to be pre-approved, but must be (i) located in the rear yard or to the rear of the main building/structure, (ii) one meter in diameter or smaller, (iii) located below the high point of the roofline to which they are attached or, if detached, below the high point of the lowest roofline of the main building, (iv) all cabling shall be attached to the rear of the building. All satellite dishes shall also comply with any state and federal guidelines. Pre-approval is available to avoid the necessity of relocating a dish in the event of non-compliance. If dishes are placed in a location not approved by the ARC due to requirements to obtain reception, screening is required.

- b. FENCES. Fences must be approved by the ARC.
  - i. MATERIALS/DIMENSIONS -- All fences shall match, as close as possible in materials, color, style, and size, original fences installed by the builder. All fences must be constructed with the framing members facing the interior of the enclosed area (i.e. “good side out”). Fences may be no higher than six feet at any point along the front, sides and rear of the rear yard. Fencing on all Lots must be located no closer to the street on which the dwelling and its driveway faces than the rear line of the dwelling. Lots on the end of each building may fence in the side yard extending from the rear line of the dwelling to the side Lot line as well as the rear yard, but are subject to restrictions for fences that face a public road.
  - ii. CORNER LOTS -- Fencing on a corner lot is subject to the same restrictions, and in addition, in approving the location of fencing on a corner lot, the ARB may take into account the impact that the fencing will have on neighboring Lots.
  - iii. LOCATION -- Owners building a fence must ensure that a fence built on the property line does not interfere with existing structures or equipment, for example, an irrigation system or roof drain. The ARC may, in its discretion, grant variances from these requirements for good cause and with the consent of the neighbors adjoining the proposed fence. Fences between adjacent lots must be placed on or substantially on the side and rear property lines. The member shall maintain any area between the fence and the member’s property line. In the case of a fence that will abut a public road, the fence should be no closer than ten (10) feet away from the right of way line (20’ from the curb) so as not to interfere

with sight lines. The ARC may, in its discretion, impose additional restrictions on fences that face a public road.

- iv. **GROUNDS MAINTENANCE** -- Any Member who encloses any portion of their back yard will thereafter be responsible for all maintenance of the areas that are enclosed by the fence, including replacement of shrubs, weeding, mowing and pruning. There will be no reduction in dues by reason of the Member being responsible for these items.
- c. **BASKETBALL BACKBOARDS AND GOALS.** Permanent basketball backboards and goals are strictly prohibited on the Properties. Portable basketball goals may not be used such that they or any play area is in a public street, and such goals must be stored out of sight when not in use.
- d. **PLAYGROUND EQUIPMENT.** Playground Equipment must be located as unobtrusively as possible in the rear of the property. Location and type of playground equipment is subject to ARC approval.
- e. **DRIVEWAYS.** The ARC may, in its discretion, vary the driveway material that it approves. Exposed aggregate concrete, asphalt and concrete (brushed or stamped) are all acceptable materials. Gravel driveways are not permitted. Construction entrances shall be graveled with stone immediately after clearing. Builders are to construct driveways without altering drainage swales. All houses shall have a front sidewalk leading from the front porch/entrance to the driveway, community sidewalk or street. Sidewalks shall be constructed of decorative paving bricks or concrete. All vehicles parked on streets must have current registration and license tags.
- f. **ANIMAL HOUSING.** No animal housing shall be visible from the street. All animal housing shall be shown on the site plan submission. This includes doghouses, runs and other pet enclosures. No wire, chain, or mesh pens or runs shall be permitted, unless fully hidden behind an approved privacy fence. ARC shall review the siting of the structure and its impact on neighboring property and approval in writing is required prior to installation.
- g. **LANDSCAPE FEATURES.** The landscape plan should include all fountains, statues, topiaries, birdbaths, pole mounted birdhouses, art pieces, collector items, lawn ornaments and personal artifacts showing location and size. All features must be approved. Landscape areas that are not planted with quality grass shall be covered with mulch (hardwood or pine) or river stone. Foundation planting shall be a minimum of three (3) feet deep along the front side of the house. Submission of a landscape plan is required in connection with the placement of annuals, perennials, bulbs and shrubs,



trees and all other plantings.

- h. **FLAGS.** The ARC does not prohibit an Owner from displaying the flag of the United States on Owner's Lot so long as such display is in compliance with applicable law and any rule or custom pertaining to the proper display of the flag. The ARC is authorized and reserves the right to regulate the size, placement, duration and manner of placement of all other flags and to regulate the type of flags which may be displayed, including the right to prohibit the display of flags or the right to require the removal of flags that the ARC deems inappropriate in its sole discretion (subject to the foregoing). The ARC is also authorized to regulate, restrict or prohibit the erection and placement of flagpoles and other structures associated with flag display and reserves the right to do so in its sole discretion.
- i. **DECKS, PORCHES, PATIOS, SIDEWALKS AND RAMPS EXTERIOR STAIRS.** The design of outside living spaces and accessibility features shall be coordinated and integrated with the design of each home. Rear or garage access ramps are preferred where practicable. Decks shall not unduly infringe on the privacy of neighboring homes. Decks should be sensitively sited and are to be constructed of wood, vinyl or composite material. All houses shall have a front sidewalk leading from the front porch to the driveway, community sidewalk or street. Patios and sidewalks shall be constructed with decorative paving bricks or concrete.
- j. **FOUNDATIONS.** Foundations shall be clad with brick or stone, with not less than 24 inches of such material exposed above the final grade. If the building is constructed on a slab, the building shall be faced a minimum of 24 inches above grade with brick or stone. Fireplaces and gas insert fireplaces may be of full brick masonry or may be of a prefabricated design.
- k. **OUTBUILDINGS.** All separate detached structures, including garden sheds and outside storage buildings, must be indicated on the site plan submission. Outbuildings shall be compatible with the house in style, materials and color scheme. Appropriate elevations and details necessary to illustrate the design must be submitted. The ARC shall consider visibility of the structure, impact on neighboring lots and streets and quality of materials, finish and color when reviewing submissions. No wood skid, plastic, vinyl, or metal storage sheds will be allowed. The structure must have a permanent foundation or be attached to a concrete slab. The structure shall be located as unobtrusively as possible in the rear of the property, and in a location approved by the ARC. Owners are encouraged to coordinate the location of any outbuildings with their neighbors.
- l. **GENERAL ARCHITECTURAL STYLE AND CONFIGURATION.** The exterior of all dwellings shall be compatible with adjacent structures and be

located to fit site conditions respecting existing vegetation and topographic features. All buildings within The Towns at Swift Creek should be harmoniously designed to fit together and visually be defined as a community. Homeowners will match any additions to the existing style of their home.

- m. **MATERIALS AND COLORS.** Front-oriented treatments in dissimilar materials that do not appear integrated into the design and inappropriate changes in material between elevations may not be allowed. Examples of acceptable materials and colors are:
- i. Brick or stone (ARC approved palette)
  - ii. Vinyl having a minimum thickness of 0.042 MILS with appropriate trim details, stone, vinyl shake shingle or scallops, vinyl board and batten, vinyl horizontal lap (exclusive of Dutch lap), vinyl vertical board and batten or a combination of the foregoing. Masonite siding is unacceptable.
  - iii. All exterior colors and texture selections will require ARC approval. Samples of proposed colors may be required to be painted on a panel for field review if the color has not been previously approved, or if they appear to be out of character with the surrounding homes. Judiciously selected brighter accent colors are permitted if approved by the ARC. Trim combinations are specifically subject to review and approval by the ARC. Approval of a color or material for an individual residence does not necessarily mean blanket approval for another residence in a different location.
  - iv. **ROOF CONSTRUCTION AND MATERIALS.** Standing seam metal roofs may be acceptable, depending on the specific use and location. Shingles must be submitted for approval, and shall be dimensional architectural shingles or better with a minimum thirty (30) year warranty and algae protection. The ARC reserves the right to approve variances as deemed appropriate.
  - v. **INAPPROPRIATE MATERIALS.** Inappropriate use of materials and colors will not be allowed. The ARB has deemed the use of the following materials for predominant exterior finishes as incompatible with the design objectives for The Towns at Swift Creek:
    - Painted Concrete
    - Mirrored Glass

- Ceramic Tile
- Brightly Colored Masonry

Limiting the number of finish materials and avoiding contrived combinations is encouraged. Exposed flashing shall be copper or baked on enamel (black or brown) aluminum.

All roof ventilation should be located as unobtrusively as practicable to the rear of the house and located below the high point of the roofline to which they are attached.

- n. **WINDOWS AND DOORS.** No bed sheets or similar items shall be allowed as window covering. When visible from any street or open space, storm shutters or windows may be installed over openings only with ARC approval. Awnings or shading devices are permitted only if they complement and enhance the general design and must be approved.
- o. **GARAGE DOORS.** All garage doors shall be compatible with the exterior design.
- p. **ROOF ACCESSORIES/LIGHTING:**
  - i. **Chimneys** - All prefabricated fireplace units must have a metal terminal cap. Spark arresters for wood-burning fireplaces are mandatory. They shall be constructed of stainless steel, aluminum, copper or brass with woven galvanized, wire mesh and conform to Uniform Fire Code specs. All flues shall be encased. Chimneys must be integrated with the building architecture.
  - ii. **Solar Appurtenances** - Solar design should be considered in the early design stages. Active solar appurtenances shall be non-reflective and integrated with the building architecture. See Article VI(s) for additional information regarding solar appurtenances.
  - iii. **Exterior Lighting** - Light sources should be unobtrusive or concealed with all light in shades of white (no colored lights). Lighting must be shielded to prevent glare. Tree uplights should be concealed underground or in shrub masses. Exterior floodlights are to be directed away from neighboring homes and yards. A site lighting plan detailing landscaping lighting shall be submitted for ARC approval.
- q. **SWIMMING POOLS.** Due to the size of Lots, swimming pools will generally not be allowed. Owner shall make written application to ARC for

permission to install a swimming pool. The request must include the proposed swimming pool's size, type, color, location and design and meet the following requirements: (i) a six (6) foot approved privacy fence shall be installed around any pool for privacy and must comply with County standards for pool enclosures, (ii) the pool liner exterior must be surrounded by a permanent raised deck and covered with either lattice work or solid wood or otherwise screened in an approved manner (in the case of an above-ground pool), (iii) pool area and fencing must be landscaped, (iv) property setbacks on the sides and rear of the property shall be maintained at ten (10) feet.

r. SIGNAGE. Except for such signs as may be posted by the Developer or the Investor Owner for promotional or marketing purposes or by the Association, only the following signs are permitted:

i. Four types of temporary signs are allowed for residential structures: temporary Builder signs, temporary model home signs, real estate sales/leasing signs and temporary political signs. One subcontractor sign may be placed on a lot. All For Sale or For Lease signs must be removed upon sale/lease of the residence except in the case of the Lots owned by the Investor Owner. No sign shall obstruct the view of motorists.

1. Builder Sign - Signs identifying the Builder, lot number and sales status (Available, Under Contract, or Sold). The sign may be placed on the lot at the time of optioning the lot before construction begins, and it must be removed at occupancy.
2. Builder Model Home Sign - Each model home may erect a sign indicating the Builder's name in accordance with the sign design guidelines.
3. Real Estate Sign - Each dwelling unit may erect one (1) six square foot real estate sign to advertise the sale or lease of the premises upon which the sign is located. The real estate sign must be located on the property of the unit it is advertising and not in any Common Area or on public property.
4. Political Signs - Each dwelling may erect up to three (3) signs on the Lot on which it is located, each of which may be no larger than six square feet in size. The political signs may be erected no earlier than sixty (60) days prior to a local,

state or national election, and must be removed within ten (10) days following the relevant election date.

s. SOLAR DEVICES.

i. Definitions:

Solar Energy Collection Device: any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy.

ii. Application: Prior to the placement of any Solar Energy Collection Device upon any Lot the Owner must submit a written Application to the Association for approval of their proposed Solar Energy Collection Device. All Applications must include a drawing indicating the purpose, type and size of the Solar Energy Collection Device and general location and manner of desired installation. Applications for a Solar Energy Collection Device will be reviewed in the same manor and via the same procedures as all other Applications submitted in The Towns at Swift Creek pursuant to the Guidelines.

iii. Location:

1. No Owner may install a Solar Energy Collection Device in the Common Area or on any property owned by the Association, or which encroaches upon Common Area or other Lot.
2. Solar Energy Collection Devices will be approved as to location on Lots if there is minimal or no visibility of the Solar Energy Collection Device from the street. In such cases where a low or no visibility from the street location for a Solar Energy Collection Device is not adequate for the effective collection of solar energy, the Association shall reserve the power to grant a variance from any of these requirements while balancing the desire to maintain consistency with the overall scheme of development of The Towns at Swift Creek and the safety of Owners, tenants and guests.

iv. Installation:

1. Solar Energy Collection Devices shall not be larger or installed higher than is necessary for their intended purpose.

2. Solar Energy Collection Devices shall be installed and secured in a manner so that visibility from the street is minimized and so that they blend into the surroundings as much as practicable.
  3. Solar Energy Collection Devices shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer's instructions and minimizes impact to the Lot.
- v. Maintenance: Owners shall have a continuing duty to prevent their Solar Energy Collection Devices from falling into a state of disrepair. Owners shall be responsible for Solar Energy Collection Device maintenance, repair and replacement, and the correction of any safety hazard.
- vi. Solar Energy Collection Device Camouflaging:
1. The Sub association reserves the power to require Owners to paint any portion of the Solar Energy Collection Device so that it matches or is reasonably compatible with the color of the structure to which it is attached. If such a requirement would void the warranty from the manufacturer, the Owner must submit a copy of the warranty to the Association before the Association will consider absolving the Owners of this requirement.
  2. The Association reserves the power to require Owners to install or provide reasonable screening around the Solar Energy Collection Device if the Solar Energy Collection Device is visible from the street, the Common Area or other Lots.
  3. Lot Owners must install exterior wiring for the Solar Energy Collection Device in the least visible manner.
- vii. Solar Device Removal: When an Owner removes a Solar Energy Collection Device, he/she shall restore the location of the installation to its condition prior to the installation of the Solar Energy Collection Device. Owners shall be responsible for all costs relating to restoration of this location.

## 2. CONSTRUCTION SITE STANDARDS

- a. Site Cleanliness/Materials Storage/Erosion Control - It is imperative that all sites be maintained in a clean and tidy manner. Unsightly construction or non-maintained sites will not be tolerated. Grass shall be cut to within County standards. All construction materials must be kept within the property lines, maintaining a neat street right-of-way. The storage of materials should be in an inconspicuous area and should be neat and orderly. The use of adjoining properties for access or storage of materials without the written permission of the adjacent owner is prohibited. Temporary storage structures approved by the ARC may be used to store materials. Storage structures may not be used as living quarters. Care should be taken when loading trucks and hauling trash to prevent spillage while in transit. Builders shall be held responsible for trash and debris falling from construction vehicles. A trash container enclosure will be required on each construction site after the pouring of the foundation. At the end of each workday, materials must be stored neatly and all trash placed in the trash enclosure. No trash will be strewn about the site or piled openly. Builders will be responsible for cleanup on all lots owned or contracted for by that Builder. Lots that are not cleaned upon notification are subject to fines. If a home that has requested a final certificate is adjacent to lots that are not clean, the final certificate shall be denied. Builders are responsible for controlling erosion on each lot. Care must be taken to use soil control measures such as hay bales (properly installed with staking as necessary), silt fence, hydro mulch, etc. to prevent soil erosion. Streets surrounding each lot shall be kept free from soil build-up.
- b. Natural Preservation Areas - It is important that all natural preservation areas shown on approved plans be left undisturbed during the construction period. The Lot Owner is responsible for erecting barricades to protect these natural areas. It will be the financial responsibility of the Lot Owner to re-landscape any disturbance of these natural areas and to keep the barricades in good repair.
- c. Job Toilets - Each construction area is required to be served by a job toilet for the use of the workers.
- d. Fires - Fires are not permitted on residential construction sites under any circumstances.
- e. Construction Adjacent to a Common Green - When building adjacent to an improved common green, before the start of construction a barrier fence must be installed on the property.

3. MAINTENANCE


Property and Improvements must be maintained according to community standards. This includes, but is not limited to, keeping Improvements and landscaping neat and orderly so as not to detract from the appearance of the community. Maintenance of improved lots shall include (a) regular mowing of grass during the growing season in a manner that compares favorably with the neighborhood, (b) keeping planting beds, mulch beds and foundation plantings free of weeds, and (c) removal of leaves and other tree debris in a timely manner. Any Improvement or landscaping that has deteriorated or has not been maintained properly, in the sole discretion of the ARB, must be removed or replaced.

4. UNDERGROUND IMPROVEMENTS

Prior to installing any improvement, the Member shall be responsible for locating and avoiding all underground improvements, including water, power and communications utilities, roof drain piping, and irrigation systems. The roof drains are outfitted with a wire to allow for proper location of the pipes. The Member shall obtain the services of a service provider with the correct equipment to accurately locate such pipes.

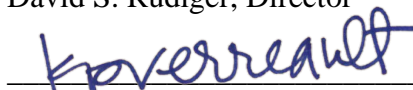
These Architectural and Landscape Design Guidelines have been approved by the Architectural Review Committee of Towns at Swift Creek Homeowners Association, Inc. as of the 29th day of September, 2020.

DEVELOPER:  
SWIFT CREEK DEVELOPMENT, LLC  
a Virginia limited liability company  
By: Boyd Corporation, its Manager

By:   
David S. Rudiger, President

APPROVED BY THE BOARD OF DIRECTORS OF THE SWIFT CREEK  
TOWNHOMES PROPERTY ASSOCIATION:

  
David S. Rudiger, Director

  
Kathryn P. Verreault, Director

  
Laurie L. Dawson, Director