

FAIRWAYS HOMEOWNERS ASSOCIATION, INC.

**ARCHITECTURAL GUIDELINES FOR
EXTERIOR ALTERATIONS**



**GREENBRIER
FAIRWAYS**

**ARCHITECTURAL COMMITTEE
(Revised December 2019)**

Dear Resident:

The FAIRWAYS HOMEOWNERS ASSOCIATION, INC. Declaration of Covenants, Conditions, Restrictions and Easements (C.C.R.&E's) requires homeowners to obtain the approval of the Architectural Committee before undertaking improvements, alterations, change of paint colors, excavations or any other work which in any way alters the exterior appearance of any property within the Fairways Homeowners Association.

The enclosed guidelines have been written to help both the homeowner and the Architectural Committee (AC) carry out the obligations that we all assumed when we decided to live in the FAIRWAYS community. The guidelines explain how the AC functions and provides the homeowner with specific guidance concerning what alterations are acceptable and unacceptable in the community.

We, the Board of Directors, hope that all homeowners understand that the purpose of the covenants and these guidelines is to keep the FAIRWAYS a desirable community in which to live and to protect and enhance property values. We invite comments from the homeowners on ways in which these guidelines can be improved.

Thank you,

FAIRWAYS HOMEOWNERS ASSOCIATION, INC.

Board of Directors

**FAIRWAYS HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL GUIDELINES**

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COMPOSITION OF THE ARCHITECTURAL COMMITTEE

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

The AC members are appointed and removed by the Board of Directors. The term of appointment is one year or until the appointment of a successor. Any new member appointed to replace a member will serve that member's un-expired term.

The duties of the AC are to consider and act upon applications for alterations submitted to it, to adopt Architectural Committee Rules, and to perform other duties imposed upon it by the Fairways Homeowners Association Declaration of Covenants, Conditions, Restrictions, and Easements (C.R&E's).

The AC shall meet when necessary to perform its duties. The vote or written consent of any two regular members shall constitute the act of the committee. The committee shall keep and maintain a written record of all actions taken. Members are not compensated for their services. This is volunteer work by Association members.

For additional information about the AC refer to the Fairways Homeowners Association Declaration of C.R&E's.

AREA COMMITTEES

Due to the number of residences in The Fairways, the AC may designate Area Committees, based upon architectural style of residences in each area, to assist the AC in performing its duties. No application may be submitted to an Area Committee by the homeowner.

The main purpose of the Area Committee is to present a forum for interested homeowners to provide their views to the AC. The AC may ask for information from the Area Committees concerning proposed rules and regulations. The AC may give alteration applications to the Area Committees to obtain their comments.

Area Committees are not required by the Fairways Homeowners Association Declaration of C.C.R&E's, but depend solely upon the interest and participation of the residents of The Fairways. The Area Committees may or may not exist at any given time. It is the hope of the AC that the interest will exist to make the Area Committees an asset to The Fairways. Residents may contact the AC members or the Association Manager to find out which Area Committees are active.

REQUIREMENT TO OBTAIN APPROVAL FOR EXTERIOR CHANGE

Reference to the FAIRWAYS HOMEOWNERS ASSOCIATION, INC. Covenants:

Section 7.03 Submission of Plans to Architectural Committee. After transfer of title to any Lot or any other portion of the Property by the Developer or a builder to a Public Purchaser, no exterior addition, modification or alteration shall be made on or to such Lot or other portion of the Property or to the improvements located thereon, unless and until a written plan in such form and detail as the Architectural Committee requires, has been submitted to and reviewed and approved by the Architectural Committee. A reasonable fee may be charged and collected for processing each submission.

APPLYING FOR APPROVAL OF EXTERIOR ALTERATIONS

1. Homeowner obtains application from the Manager or Board Member.
2. Homeowner sends completed application to the Manager via email, fax, or hand delivery.
3. Manager logs in application and supporting documents. If request form is incomplete, the Manager should explain to the homeowner that it may be rejected because it lacks required or needed information. If the application is complete, or the Homeowner insists, the Manager will accept the application.
4. The Homeowner will be advised that an answer to his application will be due thirty-five (35) days from the date of the receipt of the application.
5. The AC will meet when needed; the Manager will give all applications to the AC prior to scheduled meetings.
6. All applications will be returned to the Manager for retention in the Association files. The Homeowner will receive a copy of the approved or disapproved application from the Manager.

WHAT MAKES AN APPLICATION COMPLETE?

An application is complete when it provides the AC with enough information to completely analyze the alteration applied for. Besides filling in all the required information on the application form, the homeowner will probably need to submit supporting documents. Some examples of supporting documents are as follows:

- Description of Alteration: Required for all applications; can be detailed or simple statements depending on the complexity of the alteration and supporting information documents.
- Copy of Physical Survey: Required for applications proposing addition of new structures; extending driveways or relocating structures; this will allow the AC to see how the proposal

will affect neighboring property. This is extremely important when the city-owned easement is involved.

- Description of Materials: Will allow the AC to maintain uniformity within the area.
- Contractor's Proposal: Not required, unless major structural changes to property are being made. However, with a smaller project, it would provide the AC with the maximum amount of information.

This list is not all-inclusive but shows some of the documents that the AC may require supporting the application.

WHAT TO DO IF APPLICATION IS DISAPPROVED?

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

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

WHAT IF THE HOMEOWNER DOESN'T WAIT FOR APPROVAL?

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

WHAT IS THE PROCESS FOR COVENANT ENFORCEMENT?

Enforcement of the covenants is the responsibility of every resident. If an exterior modification is being made without approval or if there is a property maintenance problem, the resident should contact the Association Manager. If compliance with covenants does not occur, then the resident should contact the AC to report the violation. When architectural complaints are brought to the attention of the AC and the Manager, they are kept confidential and are reviewed as promptly as possible. If a complaint is found to be a violation, the property owner will be contacted and asked to correct the problem, either by removal, submission of an application, or repair in case of a maintenance problem. If correction is not made, legal action will be pursued at homeowner's expense. Annual inspections will be conducted by members of the AC and/or Board Members in the early spring (April-May). Inspection will be used to identify any maintenance problems, i.e.

mildew, rotted wood, gutter maintenance and paint and other issues not in compliance with covenants. Follow-up inspections will be conducted to ensure violation(s) cited in annual inspection is rectified within the amount of time stated in violation letter.

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

The covenants give to the Architectural Committee the responsibility to set rules and procedures for architectural control, the power to interpret the covenants, and the authority to allow exceptions to their restrictions. The Architectural Committee as part of their first responsibility has written the guidelines presented here.

Based upon the policies and previous decisions of the committees, the guidelines will tell you what is most likely to be approved in typical circumstances, and also give you important information on how to prepare your application. (See application in the back.)

Special circumstances regarding your property may allow the approval of an application that might be denied at another location, or the denial of one, which might be, approved elsewhere. The fact that your plan has been approved for use at another location does not mean that it is automatically approved for you.

BUILDING ADDITIONS AND MODIFICATIONS

An Architectural Modification Request Form is required for all instances below. For additions/modifications, the application must include drawings of the proposed addition/modification and a copy of the homeowner's physical survey. Estimated timeframes from start to completion of project must be given and be reasonable so as not to disrupt the area with commercial vehicles and building materials over a lengthy period of time.

1. Building additions include, but are not limited to green houses, porches, room additions, *sheds and tool storage*.
2. The design of additions must be compatible with the existing shape, style and size of the dwelling in the following ways:
 - a. Siding, roofing and trim materials must be the same as or compatible with, the existing materials of the adjoining property in color and texture.
 - b. New windows and doors, including garage doors must be compatible with those of the existing dwelling in style and color. These should also be located on walls at the same height as those of the existing dwelling and be trimmed in a similar manner. Storm doors must match trim of door (white or off white). Storm door style must be a full view door.

- c. Alteration and replacement of all exterior door hardware (including doorbells, door knockers and kick plates) must be identical or a realistic match to the original hardware.
 - d. Roof eaves and fascia must be compatible with the depth, style and height as existing eaves and fascia. New roofs must slope adequately to blend in with the existing dwelling.
3. The following conditions shall determine acceptability of addition locations:
- a. Additions should not significantly impair the view, amount of sunlight or ventilation of adjacent residences or the public's use or enjoyment of open space. New windows, doors and viewing areas from the addition should not infringe upon existing internal or external private areas of adjacent residences.
 - b. New additions should not create situations in which adjacent neighbors will have difficulty maintaining existing dwellings.
 - c. Additions must not adversely affect drainage conditions on adjacent property as a result of changes in grade or other significant run-off conditions.
4. Breaking Ground

It is recommended that before any digging is initiated the applicant call MISS UTILITY at 1-800-552-7001 to mark existing utility locations.

MAINTENANCE

Reference to the FAIRWAYS HOMEOWNERS ASSOCIATION, INC. Covenants: Section 6.03. Quality and Frequency of Maintenance and Repairs. All maintenance, repair and replacement shall be of a quality and appearance consistent with the enhancement and preservation of the appearance and value of the property. The Association may establish reasonable schedules and regulations for maintenance, repair and replacement of exteriors, walkways, driveways, fences, lawns and plantings on the Property, which schedules and regulations shall take into account the useful life of any painting and exterior materials and the enhancement and preservation of the appearance and value of the Property.

VIEW FROM NEIGHBORING PROPERTIES

"Visible From Neighboring Property" shall mean, with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property at an elevation no greater than the elevation of the base of the object being viewed.

ANTENNAS AND SATELLITE DISHES

All rules regarding Antennas and Satellite Dishes must follow FCC guidelines and notice of

installation must be provided to the Association seven (7) days of start of installation. The Association rules regarding installation are attached. Due to safety concerns posed by wind loads and the risk of falling antennas and masts, each Lot is limited to one (1) antenna dish on the roof. A homeowner may, however, install additional antenna on the property in accordance with the rules regarding installation. (See Appendix A)

ATTIC VENTILATORS

Because any attic ventilator exteriorly installed on a property will be visible from neighboring property,

all added ventilators require an application. The following guidelines are intended to help balance individual economic interests with neighborhood aesthetic concerns:

1. The ventilator should protrude no more than twelve (12) inches above the roof surface.
2. To camouflage the ventilator, all exposed parts should be painted the color of the surface the ventilator penetrates.
3. Blocking airflow through the ventilator should be accomplished from the inside of the property.

AWNINGS AND TRELLISES

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

The AC will review these applications based on the following:

1. Compatibility with the property architectural character, i.e., style, color and materials, preferably cloth and/or wood.
2. Design of the sun control device; should be straight forward without decorative fringes, etc.
3. Consistency with the visual scale of the property to which the devices will be attached.
4. Effects of awning or trellises on views, sunlight and natural ventilation of neighboring properties.
5. *No awning shall be attached to the front of the dwelling or main entrance.*
6. Compatibility with overall community design.

If the proposed awnings will be removed for winter storage, pipe frames also must be removed.

BASKETBALL BACKBOARDS, SKATEBOARD RAMPS AND HOCKEY GOALS

Use of basketball backboards produce noise and vibration and in a compact townhouse community like The Fairways, can become a particular nuisance. For this reason, no basketball backboards, skateboard ramps or hockey goals either freestanding or attached to a property, are permitted on any residential property within the community.

BOATS, TRAILERS, TRUCKS, RECREATIONAL VEHICLES, COMMERCIAL VEHICLES, VEHICLE REPAIR

Outside storage or parking of commercial* vehicles, recreational vehicles, unlicensed or disabled vehicles, camper bodies, boats and trailers is prohibited at all times. No work on any vehicle shall be permitted outdoors on any lot.

No trucks above three-quarter (3/4) ton will be permitted.

Neither combustibles nor other nuisance (tires/trash/junk, i.e.) materials may be stored in a truck bed.

All vehicles must display updated registration tags and/or inspection stickers.

* A commercial vehicle is defined as any business use vehicle, which displays advertising for a company or product and/or contains visible work-related products or equipment.

DECKS

A complete application is required for a deck only if it will be visible from neighboring property. Applications should include the following:

1. A description of the materials to be used.
2. An illustration of the relocations of windows or doors, meters and heating/air conditioning units.
3. An explanation of any relocation of windows or doors, meters and heating/air conditioning units.
4. A description of any changes in exterior lighting (refer to lighting).
5. A description of plantings to be removed for construction of or added in conjunction with the deck.

6. Composite decking is permissible; colors used must be the standard gray or brown. If you have a wooden deck, the AC recommends that all visible portions be left natural and allowed to weather.

DRIVEWAYS AND SIDEWALKS

Property Owners in The Fairways are responsible for maintaining their respective property driveways and sidewalks leading to the property entry way. Driveways and sidewalks are constructed of Portland cement or aggregate. Driveways and/ or sidewalks with cracks or broken pieces that cause unevenness or gaps of or more than one and a half (1 1/2) inches in the surface must be repaired/replaced.

No application is required for driveway repairs; however, repairs must not alter driveway dimensions and they must be made with same material in order to limit future maintenance problems; therefore, care should be taken to select the proper mix.

Variance applications are required for any additional driveways and sidewalks or extensions of existing driveways and sidewalks. A physical survey must be submitted along with the application.

DOG HOUSES AND DOG RUNS

Unless visible from neighboring property, doghouses and/or runs do not require an application be filed.

All doghouses and runs must be located behind the rear foundation line and within a fenced yard. They should be positioned so as not to create a nuisance. If the dog house is visible from neighboring property, it should be painted and roofed to match the dwelling property.

FENCES

In a compact townhouse community, fences can easily create an unattractive patchwork appearance. Therefore, any modification to builder-installed fencing as well as any addition to such fencing requires an application to the AC. The AC suggests that exterior fencing be allowed to weather naturally; however, if homeowner chooses to use a sealant, it must be clear. No tinted sealant/stain or paint allowed. Front yard fences are not permitted.

Every application for fencing must be accompanied by the appropriate physical survey.

Modifying builder fencing, which requires prior approval, includes, but is not limited to, removing slats, increasing or reducing fence height, and installing additional fencing to enlarge the enclosed area. When enlarging existing fences areas, new fencing must be identical to original fencing.

No fence may be installed across, around or through pedestrian access easements as shown on plat

surveys. The utility company may remove proposed fences on utility access at the homeowner expense unless written permission is granted by said company.

Construction must be: hourglass design; 4 -ft lower section of fence constructed of 1"x4" and 1"x2" western red cedar pickets; 2-ft hourglass design tipper (1"x2" western red cedar hourglass pickets with approximately 2" space between pickets. Total height is 6-ft (4-ft solid base with 2-ft hourglass topper).

An alternative to the above construction is: the 4-ft lower section is constructed of 1"x6" red cedar pickets and the 2-ft hourglass design topper spaced 2 inches approximately 2 inches apart. Total height is 6-ft (4-ft solid base with 2-ft hourglass topper).

The three-piece trim will be western red cedar 1"x4" rails (mid-trim, top cap and face board.) Fence posts will be 4"x4" pressure treated posts with dog-eared tops with three horizontal 2"x4" pressure treated rails nailed to the posts. Gates will be assembled with stainless steel wood screws.

For yards with golf course view or back yards facing natural area or VA Power easement, 2-ft topper can be left off back section facing those areas; or those areas can be constructed with 2-ft lower section with 2-ft hourglass design topper. Total height for back fences is 4-ft.

Any new shall be completed within 30 days of setting posts.

Fences will not be painted or stained with colored stain. Clear coat stain is the only acceptable coating of the fences. Fence can be allowed to weather naturally.

Repairs to original or AC-approved fencing do not require an application. However, damaged fencing should be repaired with 30 days of damage occurrence and repairs must duplicated the original or approved fencing.

When replacing a portion of a fence, replacement fence must use same style of pickets to match existing fence.

No chain-link, barbed wire or other materials will be used.

FIREPITS

In ground firepits are not permitted. Commercially sold steel constructed woodburning fire pits with spark screens and propane fire pits will be permitted. Woodburning fire pits cannot be larger than three (3) feet wide and two (2) feet tall and must be 15 feet from any structure. Propane fire pits require approval of AC if running permanent gas lines to fire pit.

GARGAGE DOORS

Garage doors must be maintained and in good repair. A modification request must be submitted for approval when replacing a garage door. Replacement doors will match original door style. Approved paint colors must be used and will be included on modification request form.

GRILLS

Permanent grills that are visible from neighboring property require an application to the AC. If the grill is not visible from neighboring property, no application is necessary. *No grilling shall be conducted in the front of the dwelling.*

All grills, when in use, must be away from buildings to prevent damage to neighbors siding.

GUTTERS AND DOWNSPOUTS

Proper maintenance requires that gutters and downspouts be kept in good repair. When replacing existing gutters and/or downspouts or portions thereof, no variance application is necessary. However, an application is required if in any way altering; i.e., changing color or relocating the existing systems.

Prior to installing gutters and/or downspouts additional to those present at time of original sale, an application must be filed with the AC.

HEATING AND AIR CONDITIONING SOURCES

Before installing an external heating and/or air conditioning unit additional to that installed by the Subdivision Builder, an application must be filed with the AC. An application is also necessary when relocating the builder-installed unit. Generally, all heating and/or air conditioning units shall be located behind the property rear foundation line and within the fenced yard.

Window and wall units *are prohibited; this includes window fans.*

LANDSCAPING

Application is required if any deviations from the original landscaping plan is to be made for areas visible from neighboring property.

The homeowner is required to maintain all landscaping located within the fenced area. No plantings are allowed outside of fenced in areas located at the rear of the dwelling.

The homeowner is required to replace all dead shrubbery located outside of fenced area. Tree and shrubbery removal will be at Homeowner's expense and requires an AC form.

Shrubbery maintenance by Homeowner or Association shall not be allowed to become overgrown. The AC shall determine overgrowth.

The AC will consider each application on an individual basis.

LANDSCAPE BORDERS

An Architectural Modification Request Form is required for all borders around flower-beds and driveways/walkways.

ROCK GARDENS

Since installation of a rock garden constitutes a change in landscaping and because these gardens may create new and possible undesirable drainage patterns for adjacent properties, rock gardens require an application. The Committee recommends that rocks be left their natural color, i.e., that they not be painted.

LIGHTING

Any change or modification of an existing light fixture (front, back, or side) or installation of an additional light fixture will require an Architectural Modification Request Form. For purposes hereof, all exterior lighting (including but not limited to flood lights, motion detector lights and landscape lighting) shall be considered a "light fixture" and further shall be installed so as not to interfere with the enjoyment of an adjacent property. No colored light bulbs shall be used in the above light fixtures.

Decorative holiday and festival lighting do not require approval; however, Christmas lighting shall not be operative prior to the 16th of November in any year, and not later than the following 7th of January. Holiday lighting and holiday decorations must be totally removed one week after the holiday.

PATIOS AND WALKWAYS

Patios and walkways should be of a natural color and/or natural wood. It should also disturb existing contours as little as possible.

Walkways, which shall be extended outside of existing fences, will require an application.

PAINTING AND STAINING EXTERIOR

In accordance with the Covenants and to ensure a continued attractive neighborhood appearance, exteriors of all living property and of accompanying structures must be kept neatly and adequately painted and/or stained. Painting over rotted/worn wood does NOT constitute repairing/replacing damaged wood.

When a property or other structure is to be repainted or re-stained, the original colors must be used. The management company can be contacted for the original colors.

RE-SIDING AND RE-STYLING

The Covenants require all structures to be properly maintained. In addition to keeping trim adequately painted, siding itself must be kept in good repair.

Whether siding is to be wholly or partially replaced, no application is necessary so long as replacement siding is identical to the original siding with respect to not only material but also dimension.

To preserve visual continuity, new siding should resemble original siding as closely as possible. Replacement trim must be painted or stained the original color or a previously approved color. Otherwise, an application for color change is necessary. Unless the proposed alteration will not be visible from neighboring property, an application must be filed.

The AC will review each plan based upon the appropriateness of the alterations, the suitability of the proposed materials, and both the physical effects and the visual impact of the alteration on neighboring properties.

The Committee advised fashioning alterations in accordance with the property original style. Alterations should have minimal physical and visual effects of neighboring and adjacent properties. Finally, check with the City of Chesapeake Building Codes Office for necessary permits.

SECURITY SYSTEMS

Surveillance cameras, preferably WIFI capable, will be permitted. Surveillance cameras shall be orientated to limit observation to the designated area for exclusive use of the homeowner (driveway, front entrance walkway, rear deck and yard). Surveillance cameras will be directed so they do not infringe on anyone else's privacy. Cameras shall not have remote zoom or rotation capabilities.

Cameras, including doorbell cameras, shall be reasonable in size and must be installed to blend into the exterior of property as much as possible.

HOUSE NUMBERS

No more than two (2) sets of house numbers are permitted on a particular property. The total face area of each set of numbers may not exceed seventy-two (72) square inches. Any change, modification or addition to the original style will require an Architectural Modification Request Form.

In an emergency situation to aid police, fire or rescue personnel in locating a residence, it is recommended that each property have house numbers that are both prominently displayed at all times and adequately illuminated at night.

ADVERTISING SIGNS

No additional signs of any nature shall be placed on any Lot or other portion of the Property except one For Sale, For Rent, or security sign, except with the consent of the AC.

SMOKESTACKS AND CHIMNEYS

Whenever an additional chimney or smokestack is to be built, an application must be filed with the AC.

The following are some generalized guidelines:

1. New chimneys should resemble original chimney with respect to style, material, etc.
2. When a chimney is to be added on the same end of a property as the original boxed-in chimney is located, both flues should be run through the same enclosure.
3. Homeowners are responsible for keeping chimney and smokestack free of dirt and rust. Paint color for chimney is on file at the Management Office.

SOLAR COLLECTORS

An AC approval must be obtained in order to install solar panels.

The proposed panels should have a minimal visual effect on the immediate neighborhood. They should not readily be visible from the street. They also should lie flat on the property roof.

Existing solar panels shall not set precedent for future solar devices.

FLAGS, STATUES, FOUNTAINS AND ORNAMENTS

Any flag pole, statue, fountain/or ornament, included, but not limited to window boxes, weather vanes, bird baths, bird feeders, etc. requires an application only if it will be visible from neighboring property. If any of the above - mentioned objects are located in the backyard within a fenced area, modification request is not required.

Flagpole holders attached to the structure are permitted. The only flag that can be flown from the structure is the U. S. flag. All flags must be in good condition and follow the guidelines detailed in the U. S. flag code.

Garden (small) type flags (not attached to structure) will be permitted as long as they do not impede landscaping maintenance.

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

SWIMMING POOLS, HOT TUBS AND SPAS

If a pool, hot tub or spa is contemplated an application must be filed with building permit when required by the City of Chesapeake. In particular, the AC will examine:

1. Whether installation requires excavation, and if so, the effect of excavation upon adjacent properties.
2. Where siphoning into the yard will be the means of drainage, the gallon capacity of the proposed tub or spa relative to yard dimensions.
3. If the tub or spa will be visible from neighboring property, the visual effect on adjacent properties.

Finally, once installed, pools, tubs and spas must be operated so as not to become a nuisance.

SWINGSETS, SANDBOXES, PLAY EQUIPMENT

All play equipment will require an application. The following guidelines are intended to assist in both planning the play area and filing the necessary application:

1. All play equipment should be made of wood or plastic and be located within the property *fenced area*.
2. Wood equipment should be left unpainted and allowed to weather or a clear sealant can be applied. Tinted stain and paint are not allowed.

TRASH STORAGE AND COLLECTION

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

All garbage and trash stored on properties within the Fairways should be kept in covered containers or sealed plastic bags and, except for a reasonable amount of time to permit collection, these containers at no time shall be visible from neighboring property. All garbage containers must be kept inside a privacy (fully enclosed) fence, shed, garage or other concealed area. They shall not be kept in either front or side yards.

The City of Chesapeake requires that City-provided 90-gallon garbage containers be placed at street-side for collection. Trash containers cannot be placed at street-side prior to 6:00 p.m. the evening before collection day and must be removed from visibility by 7:00 a.m. the morning

following collection day.

VEGETABLE GARDENS

Vegetable gardens do not require approval provided they following conditions are met:

1. All plantings are located behind the property rear foundation line and inside the property rear fencing.
2. The garden is not planted on a grade that may cause damage to property below it through the flow of water onto lower property.
3. No crops exceed the height of rear fencing at its lowest point.

Should one or more of these conditions not be met, an application is necessary. Plant supports and dead vegetation must be removed at the end of the growing season.

WINDOW COVERINGS

In order to provide for the continued desired aesthetic appeal of the community, all window coverings visible from neighboring property must be white or off-white in color.

All dwellings in a group must be consistent in the use of window grids and screens. When replacing windows/screens, homeowner must comply accordingly. The committee will consider appropriate exceptions for approval.

WOODPILES

Woodpiles do not necessitate filing an application. However, all woodpiles must be located both behind their respective property foundation line and within its fenced yard. In no instance should a woodpile readily be visible from either a street or a neighbor's view. Woodpiles height shall not exceed the height of the fence enclosing them.

PET RULES - DOGS

When outside a home, pets shall be kept on a leash and under the immediate supervision and control of a responsible person who shall immediately remove and dispose of in a safe and sanitary manner, any feces deposited by such pet within the confines of Fairways Homeowners Association per Chesapeake City Code 10-23. This includes the Virginia Power easement.

Pets shall not be permitted to howl or bark inside or outside the homes. Residents disturbed by barking or howling are encouraged to report the offending address to the Chesapeake Animal Control Department at 487-2212

Damage(s) caused by pets are the responsibility of the pet owner.

Removal of pet and/or punitive charge may be required for violations of the rules regarding pets.

OTHER ALTERATIONS

When a guideline is not available for an exterior project you wish to undertake, an application must be filed providing complete information.

APPENDIX A

RULES FOR INSTALLATION OF ANTENNAS

Dear Fairways Homeowners Association Residents and Owners:

Enclosed are the newly adopted Antenna Installation Rules that have been adopted by the Board of Directors. If you have any questions, comments, or concerns about how this process relates to you, please contact the Board through the Management Office.

As you may be aware, the Federal Communications Commission (FCC) issued rules that permit residents of planned communities to install direct broadcast satellite, television broadcast, and multipoint distribution service antennas on individually-owned property. The Association, under the new FCC rule, is allowed to enforce rules relating to the means, method, and location of installation, as long as these rules do not prevent, unreasonably delay, or unreasonably increase the cost of antenna installation, maintenance, or use, or preclude the receipt of an acceptable quality signal. Please note that the new law does not allow residents to install antennas on common areas.

The topography of southeastern Virginia presents little, if any, obstruction to the signals being transmitted to these dishes. Therefore, there is little likelihood that an acceptable signal cannot be received in your backyard.

Please also note that satellite dish antennas typically cannot provide reception to more than one television set. Additional equipment may be required to receive reception on more than one television in your home.

Any installation must be according to manufacturer's instructions, applicable safety codes and the association's rules.

Before installing any antennas, you must complete the Notice of Intent to install an Antenna and file it with the association. After seven days, you are free to carry out the installation, unless for some reason the size or location anticipated does not conform to the rules, in which case an Architectural Committee representative will contact you to schedule a meeting at a mutually convenient time to determine the best location for your antenna.

We want to work with those owners seeking to install antennas to facilitate compliance with the Association's rules. To that end, a copy of the new antenna rule is attached. We hope this helps to address any questions you may have relating to the antenna issue.

Sincerely,

Board of Directors

FAIRWAYS HOMEOWNERS ASSOCIATION, INC.

**RESOLUTION FOR INSTALLATION OF ANTENNAS
(APPENDIX A)**

I. Preamble

These rules are adopted by the Board of Directors Fairways Homeowners Association, Inc. on the _____ day of 20____, effective the _____ day of _____, 20_____.

Recitals

WHEREAS, the Fairways Homeowners Association, Inc. ("the Association") is responsible for governance and maintenance of Fairways Homeowners Association ("the Community"); and

WHEREAS, the Association exists pursuant to applicable state law and governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to state law and the governing documents permitting the Association to adopt and enforce rules; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas; and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

II. Definitions

A. Antenna - any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution services (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the

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proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

- B. Mast - Structure to which an antenna is attached that raises the antenna height.
- C. Transmission-only antenna - any antenna used solely to transmit radio, television, cellular, or other signals.
- D. Owner - any property owner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. Telecommunications signal - signals received by DBS, television broadcast, and MDS antennas.

III. Installation Rules

A. Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter is prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. Installation of transmission-only antennas are prohibited.
5. All antennas not covered by the FCC rule are prohibited.

B. Location

1. Antennas shall be installed solely on property to which Owner is entitled to exclusive use pursuant to recorded declarations, bylaws, plats, and plans.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation is prohibited.
3. Antennas shall not encroach upon association property or any other owner's property.
4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from an acceptable quality signal may not be received. This section does not permit installation on common elements (except as described in Paragraph I above), even if an acceptable quality signal may not be received from a property.

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C. Installation

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void warranties of the Association or other owners, or in any way impair the integrity of buildings on common areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 50 feet of power lines (above-ground or buried) and in no event shall antennas be placed where they may come into contact with electrical power lines. This purpose of this requirement is to prevent injury or damage resulting from contact with power lines.

Appendix A

3. All installations must comply with all applicable codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand winds of 100 mph, and shall be designed to withstand the pressure of snow and ice.

IV. Antenna Camouflaging

- A. Antennas situated on the ground and visible from the street or from other residences must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening at reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed.
- D. Antennas may not obstruct a driver's view of an intersection or street.

V. Number of Antennas

There shall be no more than one antenna per property. If homeowner changes providers, homeowner is responsible for removing antenna from previous provider.

VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals and may not exceed 12 feet in any case due to safety concerns posed by wind loads and the risk of falling antennas and masts.
- B. Masts must be installed by a licensed and insured contractor.
- C. Masts must be painted the appropriate color to match their surroundings.
- D. Masts shall not be installed nearer to the initial boundary line than the total height of the mast. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- E. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- F. Masts shall not encroach upon another owner's lot or association property.
- H. Masts must be designed to withstand the weight of ice and snow.

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G. Masts installed on the ground must sustain a minimum of 100 mph winds.

VII. Association Maintenance of Locations Upon Which Antennas are Installed

- A. If antennas are installed on property for which the Association has maintenance responsibility, owners retain responsibility for antenna maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, owners are responsible for these costs.
- B. If maintenance requires antenna removal, the Association shall provide owners with 10 days written notice. Owners shall be responsible for removing antennas before maintenance begins. If owners do not remove antennas by the required time, then the Association may do so, at owner's expense. The Association is not liable for any resulting damage to antennas.

VIII. Notification Process

- A. Any owner desiring to install an antenna must complete a notification form and submit it to the Architectural Standards Committee c/o the Association office. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately after delivery or mailing of the Notification Form to the Association office utilizing the following address: FAIRWAYS HOMEOWNERS ASSOCIATION, INC., _____

If there are any questions from the Architectural Standards Committee, a Committee member will make contact with the homeowner within seven (7) days of receipt of the Notification Form. The purpose of the notification process is to allow the Association to provide Covered Antenna installation rules and other information to Residents, to know if a person other than the Resident will be entering the community for Covered Antenna installation, and to determine whether the installation could pose a safety hazard.

- B. If the installation is other than routine for any reason, Owners and the Association Board must establish a mutually convenient time to meet to discuss installation methods.
- B. The Association may hire an independent contractor to determine whether an installation in a non-conforming location is necessary. If the independent contract finds that installation in a conforming location is possible, then the Resident will be
- C. required to relocate the Covered Antenna.

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IX. Installation by Tenants

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the notification statement.

X. Enforcement

- A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard pursuant to the Virginia Condominium Act. If the court or FCC determines that the Association rule is enforceable, statutory regulation charges of \$50.00 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional statutory regulation charges of \$10.00 per day will be imposed for each day that the violation continues. The Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

X. Severability

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

Date

Bonnie Griggs, Board President
On Behalf of the Board of Directors

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**Also admitted in NY, FL & SC*

FREQUENTLY ASKED QUESTIONS CONCERNING THE FCC RULE PREEMPTING SATELLITE, TELEVISION BROADCAST AND MULTIPOINT DISTRIBUTION SYSTEM (MDS) ANTENNA RESTRICTIONS

(Excerpted from information provided by the Community Associations Institute)

Q: Satellite antenna companies are telling homeowners in our planned community that the association can no longer enforce rules relating to telecommunications equipment as a result of the new telecommunications law. Is that true?

A: The Telecommunications Act of 1996 was signed into law by President Clinton last February. The rule implementing Section 207 of the Act was recently finalized and released by the Federal Communications Commission (FCC). This rule states that associations may no longer enforce restrictions which prevent, unreasonably delay or unreasonably increase the cost of antenna installation, maintenance, or use, or preclude acceptable signal reception. Restrictions banning all antenna installations are no longer enforceable with respect to antennas covered by this rule. However, associations may still enforce architectural restrictions, if a homeowner may place antennas in an area which would not conflict with these restrictions (e.g. a backyard). Other requirements, such as painting and screening antennas, would be permitted under the FCC rule, as long as the signals are still receivable.

The FCC has not yet adopted a rule concerning antenna installation on common property.

Q: What antennas are covered by this rule?

A: Direct broadcast satellite (DBS) antennas one meter in diameter or less, multipoint distribution system (MDS) antennas less than one meter in diameter, or television broadcast antennas, regardless of size.

Q: Can owners of a condominium property who have the exclusive use of a balcony install their satellite antenna inside their balcony, against the building's wall?

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A: If the wall is defined in association documents as a common element, then no installation is permitted on the wall, because the owner does not have exclusive use or control of the wall

Q: I live in a condominium and I cannot receive reception because my patio or balcony does not face in the proper direction (southwest) required for satellite signal reception. Can I now place my antenna in a place where I may receive reception?

A: Not if doing so requires placement of antennas on common property, which generally include all portions of the condominium outside the property.

Q: What is an "acceptable quality signal?"

A: With direct broadcast satellites (DBS), this answer is simple, because these satellite signals are digital. Either a signal is received or it is not. A poor-quality signal will not be received with a properly installed antenna. With television broadcast and MDS signals, the answer is unclear, since signals may be indistinct. The FCC has provided little guidance on this issue.

Q: Can our association board require homeowners in our planned community to obtain permission before installing antenna systems on their own property?

A: A simple notification form, indicating the type of antenna to be installed, the site of the installation, a statement regarding whether any architectural restrictions would be violated by the installation, and if so, an explanation of why the antenna must be sited in this area/manner. The owner should also describe the method and manner of antenna installation.

The association should devise an expedited procedure for handling notifications stating that installations will not comply with the association's architectural controls.

Q: What types of camouflaging would probably be considered "reasonable" by the FCC?

A: A requirement to paint antennas would be acceptable under this rule, as would a requirement to place antennas in a location in which they would not be visible from the street, as long as access is not impaired.

Q: Several homeowners in our planned community have already installed antennas on their roofs. What can we do?

A: If the homeowners own their own roofs, then they would be permitted to install antennas as soon as the FCC rule becomes effective. Therefore, rules completely prohibiting

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installation will soon be preempted. If architectural restrictions are violated by such installations, the board or architectural control committee should contact each homeowner to determine if another appropriate location exists for antenna installation. If another location so exists, then the architectural control will remain enforceable; the owner must comply with the restriction.

If homeowners can receive adequate signals from the ground, then rooftop installation may be prohibited.

Q: Our HOA would like to require backyard installation of all satellite antennas, but I understand that we can only do that if an acceptable quality signal can be received there. How can we find out?

A: The board may want to talk to an antenna distributor, who can explain where antennas should be placed to receive signals. The board may want to direct the installer to the locations where the board wishes to have equipment placed, and have the installer tell the board if receipt of signals is possible in these locations.

Q: Since the FCC has not yet ruled on the issue of common property, may our association continue to enforce its restrictions against placing antennas on common property?

A: Until the FCC makes a determination on the issue of common property, association restrictions on the installation of antennas are valid and enforceable.

