

**KEMPTON PARK OWNER GUIDELINES**

**Kempton Park Owners Association**

**Suffolk, Virginia**

**March 8, 2016**

1. **PURPOSE.** This Guideline is to provide homeowners with guidance and direction on how they should maintain or modify homes and properties. The Kempton Park Owners Association Board of Directors developed this document based on state law, the Kempton Park Declaration and Articles of Incorporation, their experience, and input from homeowners and residents in the neighborhood. Please realize that the Board wants the homeowner to enjoy their property, and will work with the homeowner to assist in that endeavor within these guidelines.

2. The document is divided into 4 parts:

A. PROPERTY USE AND MAINTENANCE:

B. ENFORCEMENT

C. PROCESS TO MAKE CHANGES TO HOUSE AND PROPERTY

D. ARCHITECTURAL GUIDELINES

ATTACHMENT 1: APPLICATION TO THE ARCHITECTURAL COMMITTEE

ATTACHMENT 2: TREES APPROVED FOR UTILITY EASEMENT

3. **Exceptions.** Exceptions to these guidelines are to be requested in writing and are subject to be approval of the KPOA Board of Directors. Approval or disapproval will be provided in a letter from the Association. In addition to the written request, a verbal presentation to the Board during one of its periodic meetings is encouraged to facilitate answers to questions and any discussions that relate to the request. There are no automatic approvals. Please enquire if you do not hear back from the Architectural Committee (AC) within two weeks of submission.

4. **28. Authority.** These Kempton Park Homeowner Guidelines have been revised as of March 8, 2016, and are approved by the KPOA Board of Directors in accordance with state law and the Kempton Park Declaration and Articles of Incorporation. These supersede all previous editions, versions or amendments of the Architectural Committee Guidelines for the KPOA.

## **A. PROPERTY USE AND MAINTENANCE**

1. **Property Uses.** The property shall be used only for residential purposes. No wholesale or retail business shall be conducted in or on any lot or other portion of the property without the consent of the AC. This restriction is not intended to preclude the operation of an in-home office or doing business by telephone or leasing or selling of said property. Any other commercial or professional activity needs to have written approval from the AC.

2. **Dwelling in Other than Residential Units.** No temporary building, trailer, basement, tent, shack, barn, outbuilding, shed, garage, or building in the course of construction or other temporary structure shall be used, temporary or permanently, as a dwelling on any lot or other portion of the property.

3. **No Transient Leases.** An owner shall not lease a unit to a transient tenant, (i.e., a lessee whose initial lease term is less than one year), nor shall an owner lease a unit more than once during any one year period of time. Any lease must be in writing and shall be subject to the requirements of the declaration and the by-laws and any rules promulgated pursuant thereto. The owner of the dwelling is ultimately responsible for the conduct of their renters and must ensure they provide KPHOA bylaws to renter. Exceptions must be cleared by the Kempton Park Owners Association Board of Directors.

4. Building Exteriors. Exteriors of all buildings are to be clean and free of mold and excessive dirt/grime. Shutters and trim shall not be faded or have cracked paint. All exterior colors are to be matched as close as possible to the original exterior color when the house was built. Any changes are to be approved by the AC.

5. Landscaping and Outside Decorations.

a. General. Continuous foundation planting and/or beds shall be required on any side of the dwelling that faces a public right of way and may only be broken by lateral walks and drives. Retaining walls and scalloped bricks are permitted around landscaping beds.

b. Lawns. Outside areas not approved for parking, driveways and structures must be covered with grass or landscaping. "Grass" is defined as those types commonly used in lawns such as fescue, bluegrass & Bermuda varieties. "Dirt" lawns or lawns which are predominantly crabgrass and/or weeds are not allowed. Grass is to be maintained not to exceed four (4) inches in height. Sidewalks and driveways should be edged and free of grass growing in the cracks and seams.

c. Mulch. Only earth-tone (red, brown or black) natural wood or recycled rubber material mulch will be permitted. White or colored architectural stone is permitted when used with edging.

e. House and Yard Decorations. All outside seating that is visible from a public right-of-way will be located on porches. Outside seating shall be made of all weather material and be intended for outside use. A maximum of four statues, ornaments, monuments or bric-a-brac is authorized on a lot or structure that is visible from a public right-of-way is authorized on a lot or structure. Each item may not exceed three (3) feet in height and two (2) feet in width. One (1) garden flag is allowed. Temporary ornamentation which is customarily associated with accepted holidays are exceptions provided that such temporary ornamentation shall not be displayed for more than five (5) days after the end of the holiday. For all holidays in or during late December, those decorations must be taken down by January 7<sup>th</sup> of the following year.

f. Gardens. Vegetable gardens are permitted as long as they are confined to the backyard and concealed by a six (6) foot privacy fence.

6. Signs, Flags and Banners.

a. Signs. No signs may be displayed on any part of the home or lot unless it is a "For Rent" or "For Sale" sign of customary size and style. Others must be approved by the AC.

b. Flags. One flag, no larger than three (3) by five (5) feet may be attached to the front of the dwelling, with exception of the American Flag which can be four (4) by six (6) feet. No permanent vertical flagpole shall be allowed without AC approval. Flags can be of any symbol or seasonal representation (U.S. or Virginia State flag, any branch of the Armed Forces, a sports team, holiday or seasonal flags, for examples). If the American flag is flown, it must be in compliance with the American Flag Code, to include illumination at night. If displayed at all times, it shall be made of all-weather material.

The owner is solely responsible for the condition of displayed flags and the manner in which they are displayed. While realizing the right for freedom of expression, offensive or obscene flags are not authorized and shall be deemed such solely at the discretion of the Board of Directors. Whoever is offended by such a display may always contact civil authorities.

c. Banners. Authorized banners that can be displayed on the dwelling are those announcing a new baby or the return of a military member. Such banners may be displayed for up to one week.

7. Antennae. Communications or reception antennas, dishes or devices (antennae), shall be permitted provided that the antennae, dish or device, or any portion thereof, is placed in an inconspicuous location. The maximum size of such devices shall be one (1) meter in diameter.

8. Mailboxes. All mailboxes are to be front loading. The boxes must be white (vinyl or metal) with a supporting structure made of brick or masonry, or a post made of white vinyl or similar PVC-based material, and must be maintained so that the post does not lean, sag, or droop and the mailbox is free of rust stains, mold or other corrosion. Address numbers shall comply with the US Postal Service and Fire Department requirements. Address number plates are optional. Vehicles should not block mailboxes to enable mail delivery. Masonry or brick mailbox are permitted but must be approved by the AC.

#### 9. Recreational Equipment.

a. General. No recreational equipment, such as swings, or other play structures will be permitted to be permanently located in any front or side yard. This type of recreational equipment may not be attached to the front or sides of any dwelling, or be permanently located in the driveway of the dwelling. Also, the storage of bicycles, tricycles go-carts or other toys cannot be left in view of the road. Note: Vehicles are not considered cover for these items.

b. Basketball Goal. One (1) portable basketball goal is permitted, but must not be left in or near the street when not in use. It may be stored in front of the garage or a side yard beside the front of the house when not in use.

#### 10. Parking/Storage and Repair of Vehicles.

a. Parking/Storage. Each lot shall provide off-street parking via existing driveway, which must be constructed of cement, not loose material. The off-street parking area shall be of sufficient size to extend beyond the perimeter of the personally-owned car, SUV or truck. No boats, boat trailers, house trailers, buses, recreational vehicles, campers, camper pick-ups or similar items or vehicles, shall be parked within the subdivision except in a garage or on a lot to the rear of the rear building line of the dwelling constructed thereon, and then only if said area is enclosed by a six (6) foot high privacy fence. Boats, boat trailers, house trailers, buses, recreational vehicles, campers, camper pick-ups or similar items or vehicles may only be parked in public view in the subdivision for short periods. Small commercial vehicles (e.g. pickup trucks, vans) are permitted, but are limited to no more than one per residence. No large commercial vehicles (e.g. tractor trailers, large panel vans, etc.), farm equipment, and construction equipment may be routinely parked in the subdivision. Non-licensed, non-operational or junk motor vehicles, trailers, campers, recreational vehicles, motorcycles,

motor bikes, boats or like items shall not be kept, stored, repaired, or fabricated in public view within the subdivision. Exceptions to these guidelines, such as a short term visit by relatives, require the consent of the Kempton Park Homeowner Association Board of Directors. Vehicles parked in driveways or on the street shall not block any portion of the sidewalk system within the community.

b. Repairs. No extensive repair work (e.g. engine or transmission removal / replacement, fender replacement, repainting that is more than a minor touchup on a scratch or chip, etc.) on any motor vehicles, boats or machines of any kind shall be permitted outdoors on any lot or portion thereof. Repair work inside of a garage is permitted as long as the garage door can be completely closed on a daily basis.

11. Motorcycles/ATVs. No motorcycles or ATV's or similar type of vehicle shall be operated on any portion of the Common Area except on streets, parking areas or similar portions intended for motor vehicle traffic.

12. Animals. All animals must be on a leash or in a fenced yard when outside (including "invisible" fence devices). Cats should have a collar with identification when outside. All pet owners are responsible for disposal of their animal's waste when walking pets on neighborhood grounds. Animal problems should be reported to the City of Suffolk Animal Control.

13. Refuse Disposal. Refuse containers (trashcans) will be stored completely behind the house or screened from view. "Screened from view" is defined as behind fence, building or shrubbery or inside garage. Vehicles are not considered cover for these items. Refuse containers (trash cans) may be placed on the street for pick up no earlier than 4:00 PM the day prior to scheduled pick up and returned to the proper storage location no later than 8:00 AM the day after scheduled pickup. Refuse containers shall be made of durable plastic and have an attached lid, such as those provided by the City of Suffolk. Except for building materials required during the course of construction or repair of any approved improvements, no lumber, metals, bulk materials, rubbish, refuse, garbage, trash or other waste material shall be kept, stored, or allowed to accumulate outdoors on any portion of the property, except in sanitary containers and screened from adjacent and surrounding property. Pick-up of "Bulk Trash" must be arranged with the City of Suffolk and the refuse shall not remain at the curb for longer than seven (7) days.

14. Noxious or Offensive Activities. No noxious or offensive activity shall be carried on upon any portion of the property.

15. No Above Surface Utilities. No facilities or utilities, including and without Limitation to, poles and wires for the transmission of electricity or telephone circuits, and water, gas, storm or sewer drainage pipes and conduits shall be placed, installed, relocated or maintained above the surface of the ground, unless approved by the AC.

16. Oil and Mining Operations. No portion of the property shall be used for the purpose of boring, drilling, refining, mining, or quarrying.

17. Maintenance. The owner (also applies in cases of rental property) of a lot subject hereof and any dwelling, fence or other approved structure or landscaping situated hereon shall maintain same in a fit, orderly and properly maintained condition. Property structures exteriors are to be clean and free of mold and excessive dirt/grime. Shutters and trim shall not be faded or have cracked paint. Bare dirt exposed lawns are not permitted. All grass areas must be kept alive either by reseeding or re-sodding. Damaged exteriors shall be repaired in a timely matter.

## **B. ENFORCEMENT**

1. Enforcement. The provisions hereof shall be enforced as set forth in the Declaration. Periodic inspections are to be conducted by the UPA manager for Kempton Park. Additionally, any resident within the KPOA can bring identified violations to the attention of the UPA agent, who will notify the owner of the violation if further investigation of the violation so warrants.

- a. Homeowners in violation of the guidelines will be notified in writing.
- b. If the violation has not been corrected in a reasonable amount of time in the judgment of the manager and/or the KPOA Board of Directors, the homeowner may be notified to appear before the Board at a tribunal to explain the reasons. This process will respect the rights of the homeowners and will be conducted in private. After reviewing the violation, the Board may elect to levy a fine if the situation warrants in accordance with the laws of the Commonwealth of Virginia.
- c. Subsequent violations of the same paragraph by a homeowner may result in an immediate notice for a tribunal and, if the situation warrants, additional fines.
- d. Homeowners need to realize that they signed an agreement with the Kempton Park Owners Association to abide by its guidelines when they purchased the property. Failure to pay fees and fines may subject the homeowner to legal action and, in extreme cases, may result in a lien against the property if the debt is not satisfied.

## **C. PROCESS TO MAKE CHANGES TO HOUSE AND PROPERTY**

1. Submission of Plans to the Architectural Committee. No exterior addition, modification or alteration shall be made on or to any existing lot or other portion of the property or to the improvements located on any lot unless and until a written plan or plans have been submitted, reviewed and approved by the AC. The plan or plans must be in accordance with the current APPLICATION TO THE ARCHITECTURAL COMMITTEE (Attachment 1).

2. Infringement Upon Common Area/Grounds. No application containing a project that enters, connects to or otherwise infringes upon designated common areas or grounds will be approved.

3. Approval and Disapproval of Plans by the Architectural Committee.

- a. Approval. Upon approval by the AC of any plans submitted pursuant to these guidelines, the association manager (UPA) shall notify the applicant in writing of such approval. All approved alterations must be completed within ninety (90) days from the date of the approval letter. Otherwise, the approval will be considered not acted upon and rescinded.

b. Approval with Stipulation(s). In cases where certain aspects of the application are unclear or are not in accordance with accepted guidelines, the application may be approved with stipulation(s). As with approvals, the association manager (UPA) shall notify the applicant in writing of such conditional approval. Authorized work must be completed within ninety (90) days from the date of the approval letter as noted in paragraph a above.

c. Disapproval. In any case where the AC disapproves any plans submitted, the association manager (UPA) shall notify the applicant in writing, including a statement regarding the basis of the disapproval. The AC may disapprove plans submitted for any of the following reasons:

1. Failure of such plans to comply with these guidelines.
2. Failure to include required information in such plans.
3. Failure of proposed improvements to comply with any zoning, building, health or other governmental laws, codes, ordinances, rules and regulations.
4. Objection to the site plan, exterior design, appearance or materials of any proposed improvements, including but without limitation to, colors or color scheme, finish, proportion, style of architecture or proposed parking.
5. Incompatibility of proposed improvements or use of proposed improvements with existing improvements or uses in the vicinity.
6. Any other matter which, in the judgment and sole discretion of the AC, would render the proposed improvements, use or uses, inharmonious or incompatible with or inferior to the general plan or improvement of the property or portion thereof or with improvements or uses in the vicinity.
7. Homeowners have the right to appeal to the Board of Directors if they have reason to disagree with the decision of the AC.

8.

#### **D. ARCHITECTURAL GUIDELINES**

1. Applicability. No exterior addition, modification or alteration shall be made on or to any portion of the property or to the improvements located thereon unless and until a written plan as detailed in Enclosure (1) has been submitted, reviewed and approved by the AC.

2. Project Requirements. All construction, either modification or improvement, must meet all city, state, and federal requirements. It is the sole responsibility of the owner to ensure that all legal requirements are met for any project. The AC will not approve any plans for improvement that would either knowingly or unknowingly violate any federal, state or local law, ordinance, statute, regulation, etc. It is also the responsibility of the owner to repair any damage to Association grounds that may occur as a result of work on an approved project.

a. City and State. All local guidelines and building codes shall be met including building set-back requirements. Building Permits will be displayed as required during construction.

b. Federal. Projects on properties that are part of or adjacent to wetlands and affect wooded areas, property slope and/or drainage must be approved by the Army Corps of Engineers.

3. Building Exteriors. All exterior colors are to be matched as close as possible to the original exterior color when the house was built. Any changes are to be approved by the AC. The facades of

dwellings or outbuildings may be comprised of brick or vinyl siding. The use of these or other types of materials must be approved by the AC. Exteriors of all buildings are to be clean and free of mold and excessive dirt/grime. Shutters and trim shall not be faded or have cracked paint.

4. Outbuildings and Structures. An AC application (Enclosure 1) must be submitted for all outbuildings and structures.

a. Outbuildings/Sheds. When not behind a six (6) foot high privacy fence, all outbuildings, detached garages or sheds shall be designed and constructed to reflect similar styling, materials and colors of the main dwelling and must be constructed on a foundation with a floor fabricated of concrete, wood or similar material. Such structures must be located within the boundary established by projecting the side building lines of the dwelling to the rear line of the lot. When located behind a six (6) foot high privacy fence built in accordance with the provisions of Section 5a to screen the structure from other lots, the requirement to reflect similar styling, materials and colors of the main dwelling does not apply. However, only prefabricated or kit outbuildings made from wood, plastic, and/or vinyl siding may be used and must be constructed on a foundation with a floor fabricated of concrete, wood, plastic, or similar material. No outbuildings made of steel or other metals will be permitted due to the corrosive environment present in a coastal area. No outbuilding or shed shall exceed ten (10) feet by twelve (12) feet and ten (10) feet in height.

b. Decks. All decks shall be constructed of wood, brick, tile, masonry, or composite materials. Applications must include dimensions and a description of materials and features. Applications shall include a copy of the building permit.

5. Fences and Screening. An AC application (Enclosure 1) must be submitted for all new or changed fences and screening.

a. Fences. All fences shall be constructed with white vinyl material. A fence may only extend forward of the rear building line of the dwelling on a side of the residence that has a side door or as approved by the Architectural Committee. The homeowner is responsible for obtaining permission to “tie into” any existing fence lines of adjacent properties. If fences do not adjoin, the property owner is responsible for maintaining the area between the fences in accordance with the existing rules and regulations pertaining to maintenance.

b. Corner Lots. For safety and security reasons, all fences that exceed forty-eight (48) inches in height may not be located any closer than twenty (20) feet from the edge of the curb adjoining the abutting street. Any fence or portion thereof which is basically parallel to and fronting on a public right of way open space or lake shall have shrubs planted along and adjacent to the side of the fence facing the right of way, open space or lake. The shrubs shall be planted no more than four (4) feet apart with a minimum height at planting of two (2) feet and reaching a maximum height of the fence.

c. Screening. Any screen planting, fence enclosures or walls initially developed on a lot or other portion of the property shall not be removed or replaced with other than a similar type of planting, fence, or wall except with the permission of the AC. Except for the foregoing, no fences, wall, or screen planting of any kind shall be planted, installed or erected upon a lot or other portion of the property unless approved by the AC.



## 6. Landscaping and Outside Decorations.

a. General. Continuous foundation planting and/or beds shall be required on any side of the dwelling that faces a public right of way and may only be broken by lateral walks and drives. Retaining walls and scalloped bricks are permitted around landscaping beds. All major landscaping projects must be submitted for approval before any work is started. Minor projects (i.e. flower beds, walkway illumination, etc) do not require AC approval.

b. Trees and Other Natural Features. Planting and/or replacement of trees must be approved by the AC. A list of acceptable trees are included at the end of these guidelines as Enclosure (2). Removal of trees located anywhere on the property must comply with local rules and regulations. Clearing a property of brush or other flora must be approved by the AC, the city of Suffolk and the Army Corps of Engineers where applicable.

## 7. Signs, Flags and Banners.

a. Signs. No signs may be displayed on any part of the home or lot unless it is a "For Rent" or "For Sale" sign of customary size and style. Others must be approved by the AC.

b. Flags. One flag, no larger than three (3) by five (5) feet may be attached to the front of the dwelling, with exception of the American Flag which can be four (4) by six (6) feet. No permanent vertical flagpole shall be allowed unless approved by the AC. Flags can be of any symbol or seasonal representation (U.S. or Virginia State flag, any branch of the Armed Forces, a sports team, holiday or seasonal flags, for examples). If the American flag is flown, it must be in compliance with the American Flag Code, to include illumination at night.

8. Antennae. Communications or reception antennas, dishes or devices (antennae), shall be permitted provided that the antennae, dish or device, or any portion thereof, is placed in an inconspicuous location. The maximum size of such devices shall be one (1) meter in diameter.

9. Mailboxes. All mailboxes are to be front loading. The boxes must be white (vinyl or metal) with a supporting structure made of brick or masonry, or a post made of white vinyl or similar PVC-based material, and must be maintained so that the post does not lean, sag, or droop and the mailbox is free of rust stains, mold or other corrosion. Address numbers shall comply with the US Postal Service and Fire Department requirements. Address number plates are optional. Vehicles should not block mailboxes to enable mail delivery. Any plans for a masonry or brick mailbox must be approved by the AC.

10. Storm Doors. Only storm doors that have one large full-view glass pane or with one break in the middle are authorized on the front entrance. The frame must be either white or match the color of the shutters, if shutters exist on the dwelling. Side entry doors and upper deck porch doors and back porch doors may have a screen door with a frame that's either white or matches the color of the shutters. These doors may have cross bars or cross members.

11. Clotheslines. Outdoor clotheslines or other facilities for the drying or airing of any clothing or bedding shall not be permitted unless located behind a privacy fence.

12. Swimming Pools and Hot Tubs. An AC application (Enclosure 1) must

be submitted for all swimming pools and hot tubs, including, but not limited to, digging to take place for an in ground pool, associated decks and fencing.

a. Pools. Permanent pools (in ground and above ground) require AC approval. All pools are to be confined to the backyard and concealed by a six (6) foot privacy fence. No pool accessories (i.e., decks, slides, etc.) shall be visible over the top of the fence.

b. Hot Tubs. Hot tubs are to be confined to the backyard area of the property. No hot tub shall exceed four (4) feet in height from top to bottom. If set on a deck, the hot tub must be placed on a low profile deck not exceeding one (1) foot above ground level.

**ATTACHMENT 1:**

**APPLICATION TO THE ARCHITECTURAL COMMITTEE**

Kempton Park Owners Association  
c/o United Property Associates  
5849 Harbour View Blvd., Suite 200  
Suffolk, Virginia 23435  
(757) 484-0706 / Fax (757) 484-3217

Date Submitted: \_\_\_\_\_

Name of Property Owner(s): \_\_\_\_\_

Address / Lot Number: \_\_\_\_\_

Phone Number(s) of Owner: \_\_\_\_\_

Contractor Info (if applicable): \_\_\_\_\_

Project Name (circle one): Fence / Shed / Landscaping / Other

If "Other", provide details: \_\_\_\_\_

Start & Finish Dates: \_\_\_\_\_

**Documentation to be submitted for review:**

- Site plan showing areas of improvement and dimension specifications.
- Color palates or examples of all requested changes and narrative of final color spectrum.
- Specific types of material to be used (make/model). Colored pictures are extremely helpful.
- Illustration or colored picture of any new replacement component.
- Description of plants or shrubs to be removed added or otherwise altered.
- If necessary, copy of building permit(s) when obtained or any other special permits if required.
- If applicable, elevation plan of excavation or change in grading.
- If applicable, description of changes in exterior lighting.

Final approval will be based upon information voluntarily supplied in or with the application. This approval is limited to design criteria established by the AC for the KPOA and should not be interpreted as approval of any variation from restrictions or conditions imposed on the property owner by contract, other provisions or the recorded covenants or any regulations or requirements of the local building inspector's office.

By signing below, I understand that I must wait for receipt of your written approval of this application before beginning the alteration or project and that approval of such alteration or project by the AC does not release me/us of our obligations to ensure that such alteration or project is in compliance with all local, state or federal ordinances.

All exterior alterations must be completed within 90 days from the date of the approval letter. Otherwise, the approval will be considered not acted upon and rescinded. The owner must reapply if the alteration or project is not completed within this 90 day window.

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Signature(s)

Date

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**Architectural Committee or Board of Director's Action**

\_\_\_\_\_ Approved as submitted.

\_\_\_\_\_ Approved with attached stipulation(s).

\_\_\_\_\_ Disapproved as submitted.

Stipulation(s):

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Members comprising AC or BOD:

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Printed Name & Board Position

Signature

Date

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Printed Name & Board Position

Signature

Date

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Printed Name & Board Position

Signature

Date

**ATTACHMENT 2: TREES APPROVED FOR UTILITY EASEMENT:**

Trident maple Hedge maple  
Amur maple Paperbark maple  
Japanese maple Serviceberries  
American hornbeam Japanese hornbeam  
Redbuds Chinese fringe tree  
White fringe tree Kousa dogwood  
Stellar series dogwoods Thornless cockspur hawthorn  
Washington hawthorn Franklinia  
Golden-rain tree Crape myrtle  
Galaxy magnolia Little Gem magnolia  
Saucer magnolia Star magnolia  
Sweet bay magnolia Flowering crabapple  
Sourwood Persian parrotia  
Thundercloud cherry plum Flowering apricot  
Yoshino cherry Evergreen oak  
Japanese stewartia Japanese snowbell  
Fragrant snowbell Doublefile viburnum  
Japanese tree lilac