

HIGHGATE HOMEOWNERS ASSOCIATION STANDARDS, RULES AND REGULATIONS GOVERNING ARCHITECTURAL REVIEW AND USE OF THE COMMON GROUNDS

(These regulations were approved by the membership at the 1998 Annual Meeting, with a few changes/additions approved by the Board at the June 1998 Board meeting.)

1. INTRODUCTION

- 1.1 In Article 5.1 of the Declaration of Covenants, Conditions and Restrictions for Highgate (Declaration of Covenants) limitations are placed on the exterior changes homeowners may make to their property and on the use of the common grounds. The Declaration, which is provided at settlement, is the controlling document that is binding on all homeowners.
- 1.2 The Declaration prohibits homeowners from making any change to the exterior of their townhouse without first submitting plans to the Architectural Review Committee (Committee) and receiving prior written approval.
- 1.3 The Architectural Review Committee shall, subject to the approval of the Board of Directors, develop and promulgate Standards, Rules and Regulations, for the application of the architectural review provisions in the Declaration of Covenants, Conditions and Restrictions of the Highgate Homeowners Association.
- 1.4 The standards, rules and regulations include (A) review requirements; (B) review procedures; ~ standards used to achieve the objectives.
- 1.5 The policy guidelines are intended to assist the Architectural Review Committee and the homeowners in the ongoing process of maintaining proper community design. These Standards, Rules and Regulations may be modified and supplemented, subject to the approval of the Board of Directors.
- 1.6 All changes and/or additions to homeowner's exterior property must be made in accordance with the provisions of the Declaration of Covenants and these Standards, Rules and Regulations.

2. PURPOSE

The purposes of architectural review are to: (1) establish and preserve the harmonious design for the community; and (2) protect property values. The overall objective of architectural review is to assure that the Highgate community continues to be a desirable community for all owners.

3. ARCHITECTURAL REVIEW COMMITTEE

- 3.1 An Architectural Review Committee consisting of three (3) or more homeowners shall be appointed by and responsible to the Highgate Homeowners Association's Board of Directors. The Committee shall be directed by a Chairperson who is appointed by the Board of Directors.
- 3.2 If any member of the Architectural Review Committee should be unable to serve for any reason, the remaining members shall have authority to recommend a successor and to continue to operate until such successor is approved by the Board.
- 3.3 At any time, the Owners of Record of two-thirds of the units shall have the power through a duly recorded

written instrument to change the membership of the Architectural Review Committee or to amend any of its powers and duties.

- 3.4 The Architectural Review Committee will generally meet in open sessions to consider applications and to address other matters as necessary. Homeowners are always welcome to attend Committee meetings. However, the Committee may decide to take final votes in private.
- 3.5 At all meetings of the Architectural Review Committee, a quorum of the majority of Committee members is necessary, exclusive of proxies, to vote on all applications. A Committee member may assign his/her proxy to another Committee member if unable to attend a meeting. In the event such procedure is exercised, the Committee member shall advise the Chairperson. Committee members are permitted to use a maximum of three (3) proxies per calendar year. Any Committee member having an application pending before the Committee may not vote. Committee decisions are made by majority vote.
- 3.6 Attendance of all Architectural Review Committee members is required at all scheduled or special meetings of the Committee. However, attendance may be excused if the Committee member advises the Chairperson in advance. Failure to advise the Chairperson will result in an unexcused absence. In the event a Committee member cannot make a meeting, he/she shall sign his/her proxy to another Committee member in accordance with the provision cited above. Any Committee member having three (3) unexcused absences within a calendar year may be removed from the Committee by written instrument.
- 3.7 The Architectural Review Committee will ensure that applications received by the Committee are reviewed in a fair, consistent, and expeditious manner.
- 3.8 The Architectural Review Committee will maintain and preserve accurate records of Committee recommendations and all of its activities.
- 3.9 The Chairperson of the Architectural Review Committee represents the Committee at meetings held by the Association's Board of Directors in order to report the Committee recommendations and activities. If the Chairperson cannot attend a meeting of the Board of Directors, he/she shall appoint a Committee member in his/her place.

4. REVIEW REQUIREMENTS

4.1 Homeowners and residents may not make changes, modifications or alterations to the exterior of their townhomes or yards without first submitting plans or proposals to the Architectural Review Committee and receiving written approvals. In reviewing an application, the committee will consider these factors: (1) safety; (2) harmony of external design; and (3) color and location to surrounding structures and topography. Changes, modifications and alterations are limited (as detailed in Sections 4.2 - 4.4) to the addition of ground level patios, and the replacement and repair of existing fences, roofs, siding and front doors.

4.2 Unit Exteriors

- (A) No room-type structure is permitted. All freestanding structures, such as tool sheds, lean-tos, large dog or bird houses visible from outside of the fence, must be approved by the Committee.
- (B) Changes to roof materials, siding materials and trim are prohibited.
- (C) Installation of door knockers, deadbolt locks and peepholes is permitted without prior approval of the Architectural Control Committee.
- (D) The Committee maintains a list of approved colors and materials for exterior trim and doors. Repainting

with approved colors does not require approval or review.

- (E) In the event proper materials or colors are unavailable the Architectural Review Committee may, subject to the approval of the Board, designate other compatible exterior colors and/or materials. The Committee will select materials or colors from an approved list.
- (F) Painted surfaces may only be repainted. Unpainted and unstained surfaces, such as bricks and concrete steps, must remain unpainted and unstained.
- (G) No exterior television or radio antennae, satellite dishes or disk of any sort shall be erected or maintained on any Lot.
- (H) No window awnings are allowed.
- (I) Subtraction of any visible, standard, builder-delivered feature, such as iron grills, brass lamps, window mullions, etc., is prohibited.
- (J) Addition of exterior features such as signs, nameplates, plaques, etc., that are not seasonal or readily removable, is subject to approval by the Committee.

4.3 Decks and Patios

- (A) Developer installed decks and/or patios are hereby pre-approved. All other deck installations require prior approval by the Architectural Review Committee.
- (B) Ground level patios of poured concrete, brick, stone, commercial paver tiles or wood may be constructed without Architectural Review Committee approval, unless they require building permits.
- (C) Patios shall be constructed so that there is proper drainage to discourage standing water, and that no ground level drainage problems are created on either the adjoining properties or common grounds.
- (D) No permanently installed awnings, screens, siding, privacy lattice or any type of enclosures are allowed above or below decks.

4.4 Fences

- (A) All units have been initially delivered with a fully enclosed yard. Any replacement fencing must be the same style as the original fencing. All fence installations require prior applications to and approval from the Architectural Review Committee.
- (B) Gates must be of the curved top variety as installed by the Developer. Gates are to be constructed of the same type of board used for the fence and will be a single-sided board style. One (1) gate is to be erected per enclosed property.
- (C) All fencing is to remain as located by the Developer.
- (D) Fences must be properly maintained so as not to present an unsightly appearance.

4.5 Front Doors

- (A) All replacement doors must be of the same style as the original door.
- (B) All requests to change front doors require prior approval of the Architectural Review Committee.

- (C) Doors must be maintained the same color as provided by the builder or with other colors pre-approved by the Architectural Review Committee.
- (D) Storm doors are prohibited.
- (E) Front doors must be properly maintained by the homeowners so as not to present an unsightly appearance.

5. GENERAL REVIEW CRITERIA

- 5.1 All applications are evaluated on the basis of the restrictions contained in the Declaration and the Standards, Rules and Regulations contained herein. Besides evaluation of the particular design proposal this includes consideration of the characteristics of the community housing type and the individual site. Design decisions are not based on personal opinion or taste. Acceptable designs are based on the following criteria, as well as compliance with the Covenants and the provisions of the Standards, Rules and Regulations:
- (A) Validity of Concept - All applications are viewed as to the soundness of the basic idea, the appropriateness to the surroundings and the character of the community.
 - (B) Design Compatibility - The proposed changes must be compatible with the applicants' unit, adjoining homes and the neighborhood setting. Compatibility is defined as similarity in the architectural style and design elements, quality of workmanship, materials, color and construction details.
 - (C) Materials - Use of the same or compatible materials that were used on the original construction will assure continuity.
 - (D) Workmanship - The quality of work should be equal to, or better than, that used in the community. Poor practices, besides causing problems, can also create safety hazards.

6. APPLICATION PROCEDURES

- 6.1 Homeowners wishing to make changes subject to review under the Architectural Standards, Rules and Regulations, must submit the Application for Architectural Change form along with eight (8) copies to the Architectural Review Committee.
- 6.2 The Application for Architectural Change must be completed prior to the submission and should include the following:
- (A) Name and address
 - (B) Description of change
 - (C) A copy of the townhouse location plat (received at settlement) showing all proposed changes
 - (D) A copy of the drawing showing the complete plans of the item requested. The plan should be drawn to scale (with a straight edge, full dimensions and details clearly labeled).
 - (E) Clearly marked color sample with any color change requests.
- 6.3 Applicant must demonstrate that based on existing community standards the proposal is acceptable.

Applicant may submit with the application materials such as exhibits, petitions, photos, experts statements and the like that applicant deems necessary. Applicant may request an opportunity to appear before the Committee together with experts or other individuals in order to present the proposal.

- 6.4 Oral requests and applications submitted by persons other than homeowners or committees will not be considered.
- 6.5 All projects, even those approved by the Committee must conform to standards as required by governmental penn it. Applicants receiving governmental penn its for any modification must also obtain Committee approval.
- 6.6 Homeowners must ensure that all applications comply with existing Arlington County building codes, zoning requirements, licenses, penn its and construction drawings. The Committee will not approve any project that is in violation of local building or zoning codes.
- 6.7 Homeowners are responsible for the safety of the proposed construction and modification.

7. RESULTS OF REVIEW

- 7.1 The Architectural Review Committee shall act on the initial submission and respond to applications within thirty (30) days of receipt of all required information. The thirty (30) day maximum waiting period begins when the Committee receives the application.
- 7.2 If the initial application does not contain sufficient information for the Architectural Review Committee to evaluate the proposal, then the Committee will request additional information from the applicant and the thirty (30) day period will not commence until the information is received by the Committee Chairperson.
- 7.3 If applicant desires to make any changes during construction a revised application must be submitted to the Chairperson. The Committee shall act on such revised application within thirty (30) days of its receipt.
- 7.4 Applicant shall be informed in writing and by mail of the decision made by the Architectural Review Committee.
- 7.5 If an application is disapproved the Committee shall advise the homeowner or resident why, and if feasible, suggest modifications to the application to make it acceptable.
- 7.6 If an applicant wishes to submit to the Architectural Review Committee new information so that the Committee may reconsider the proposal, he/she must do so prior to appealing the Committee's initial decision to the Board of Directors.
- 7.7 If the application is denied upon reconsideration by the Committee, the applicant may then appeal the decision to the Board of Directors as provided for in Article III, Section 4 (d) of the Declaration of Covenants.
- 7.8 Upon review the Board of Directors may reverse or modify such decision by a two-thirds vote of those Directors present and voting at a meeting which a quorum is present. The appeal must be filed in writing to the Chairperson of the Board of Directors within thirty (30) days of the receipt of notification of the Committee's disapproval.
- 7.9 If the proposed change has not been started within sixty (60) days and completed within six (6) months from the date of approval, the approval of plans and specifications by the Committee shall be conclusively deemed to have a lapsed and compliance with the policy guidelines shall again be required. See Article III, Section 4(e) - "Limitations".

- 7.10 An approval shall be automatically rescinded if information furnished in the initial application is found to be inaccurate.

8. PROCEDURES FOR MONITORING COMPLIANCE AND CORRECTIVE ACTIONS

- 8.1 The Architectural Review Committee shall periodically, but not less than annually, inspect the community and properties for compliance with the architectural control and use restriction provisions governed by the Declaration of Covenants and the Standards set forth in this document. This includes the proper maintenance of exterior unit surfaces, fences, decks, and front and rear yards.
- 8.2 If the application has been approved and proper construction follows, no further action will be taken.
- 8.3 The following corrective procedures will be followed for alleged violations:
- (A) If inspection reveals either improper maintenance or a violation, the Architectural Review Committee shall issue a letter as discussed below in 8.3(E).
 - (B) If the application has been approved, but construction is improperly completed, the homeowner will be notified in writing, via Certified Mail (Return Receipt Requested) by the Architectural Review Committee. The Committee shall state the reasons for the violation and, if possible, suggest modifications to conform it to the plan. The homeowner shall have thirty (30) days from the date of receipt of written notification to take appropriate action by: (1) correcting the violation; or (2) filing an amended application in accordance with stated procedures. In all cases, when the violation is corrected or if the application or amended application is approved, no further action will be taken.
 - (C) If the application has not been approved, the homeowner will be notified in writing, via Certified Mail (Return Receipt Requested), by the Architectural Review Committee. The Committee will inform the homeowner to take corrective steps, or advise the homeowner to submit an amended application in accordance with stated procedures. The homeowner shall have thirty (30) days from the date of receipt of written notification to take appropriate action. In all cases, when the violation is corrected or if the application or amended application is approved, no further action will be taken.
 - (D) If no application has been filed, or improper maintenance has been observed, the Architectural Review Committee shall notify the homeowner in writing, via Certified Mail (Return Receipt Requested), by the Committee. The Committee shall instruct the homeowner to either correct the violation, and if feasible, make suggestions for modifying to make it acceptable. The Committee may advise the homeowner to submit an amended application in accordance with stated procedures. The homeowner shall have thirty (30) days from the date of receipt of written notification to take appropriate action. In all cases, when the violation is corrected or if the application is approved, no further action will be taken.
 - (E) In all of the above instances, if the homeowner fails to respond or properly act within thirty (30) days from the date of receipt of written notification, or if the application or amended application is disapproved and the homeowner fails to correct the violation within thirty (30) days of receipt of written notice of such disapproval, the Committee will refer the matter to the Board of Directors for consideration of corrective action.
- 8.4 The Committee may, subject to the approval of the Board of Directors, recommend any or all of the following corrective steps;
- (A) Issue a letter requiring the homeowner to cease and desist.
 - (B) Require the homeowner to modify or remove the unacceptable change and/or restore the affected area

to its original condition prior to the change.

- (C) Permit the Association to correct the violation, by obtaining three (3) bids and contracting for the correction. The homeowner will be billed for the costs and expenses incurred by the Committee to correct the violation. Failure to pay the expenses incurred may result in a lien being placed on the property.
- (D) Notify the Mortgagor of the violation.
- (E) Take any legal action necessary, including filing an injunction against the Homeowner.

8.5 In all cases, the homeowner shall be responsible for all costs of enforcing the provisions of these Standards, Rules and Regulations, including costs of correcting any violations. This includes, but is not limited to, contractors, lawyers, secretarial services, postage, etc.

9. CONSTRUCTION STANDARDS

- 9.1 During construction/progression of the work, the homeowner is responsible for keeping the external appearance of the unit and the surrounding common elements neat and clean, and is specifically responsible for the removal of any debris generated during the course of any change.
- 9.2 The homeowner/applicant is responsible for any damage to the common property or to another homeowner's property due to construction. All damages must be repaired in such a manner as to restore the damaged property to its original condition.
- 9.3 All exterior alterations are subject to a standard of good workmanship (i.e., the quality of work must be equal to or better than that otherwise used in the community). Poor practices, besides causing the owner problems, can also create safety hazards. As previously stated, the homeowner is responsible for ensuring safety, and the Association assumes no responsibility for the safety of new construction.
- 9.4 No noisy construction activities are permitted except between the hours of 8:00 a.m. and 8:00 p.m. It is the responsibility of the applicant to convey these hours of construction to their respective contractors.
- 9.5 It is the responsibility of the applicant to ensure that the normal access of other homeowners and traffic are not impeded.

10. EXTERIOR LIGHTING

- 10.1 No permanent exterior lighting may be added to the front of the unit apart from that which was builder-delivered. Any proposed changes from existing fixtures is subject to prior Architectural Review Committee approval.
- 10.2 Temporary, appropriate holiday lighting is permitted during holiday periods.
- 10.3 Decorative landscape lighting may be installed on individual property in front and back yards. Use of low level lighting in front yards is subject to prior approval of the Committee.
- 10.4 Exterior lights may be installed on the rear wall of the unit and the side walls of an end unit, provided that the lighting matches the existing rear lighting fixtures, and does not adversely affect surrounding units due to increased illumination. Such lights may be installed upon prior application to and approval from the Committee.

11. YARDS (FRONT AND REAR)

- 11.1 Homeowners are responsible for proper maintenance of front gardens and yards except for certain services provided by contractors hired by the Board of Directors, and for rear yards.
- 11.2 Lawns must not exceed three (3) inches in height in rear yards.
- 11.3 All yards must be kept free of weeds and debris (papers, garbage, etc.) and watered on a regular basis.
- 11.4 No outside clotheslines are permitted.
- 11.5 Front garden decorations (fencing, ornaments, etc.) that are not appropriate to the surroundings and the character of the community are prohibited.
- 11.6 No plantings or other materials may be placed or permitted to remain in yards that may damage or interfere with the property rights of other homeowners, use of the common grounds, easements intended for drainage purposes, or maintenance of utilities.

12. MISCELLANEOUS

- 12.1 The exterior of the unit must be properly maintained by the homeowner to preserve structural integrity, appearance and property value.
- 12.2 Window air conditioners are prohibited since all units were delivered with central air conditioning units.
- 12.3 Garden hoses are not to be stored so as to be visible from the street or any common area.
- 12.4 No signs may be placed on any property except: (1) "For Sale" and "For Rent" signs as prescribed and permitted by Arlington County Code, provided that they include the name and address of the person(s) to whom inquiries are to be addressed; (2) signs, decals, or house markers related to an installed security system; and (3) appropriately sized and located political signs displayed temporarily in connection with an election. Maximum size of any sign may not exceed 24" x 24" for the main sign; additional signs must not exceed 24" x 12". The maximum height above ground of 'For Sale' or 'For Rent' signs will be 48". Signs may not be placed on common grounds or on the property of another owner."

13. COMMON GROUNDS

- 13.1 All homeowners are entitled to use the common grounds. However, no individual homeowner may convert any portion of the common grounds for his exclusive use. Homeowners may beautify the common areas with plantings. However, homeowners who install additional plantings or modify the plantings in the common areas are responsible for maintaining the planted areas, which are subject to periodic review by the Architectural Review Committee. Firewood or other items may not be stored on the common grounds. Neither homeowners nor their contractors may drive vehicles on the common grounds. All real estate and improvements in the Highgate development that are not a private Lot or on a private Lot, is considered common ground, including all paths.

14. STREETS

- 14.1 Colonial Court is private property, owned and maintained by the Association. Residents are asked to help

keep all streets litter-free. The Homeowner's Association is responsible for the plowing of Colonial Court during the winter season.

15. SIDEWALKS

- 15.1 Residents are responsible for keeping the sidewalks in front of their homes free from obstructions including vehicles extending to driveways. The Homeowners Association provides for shoveling of snow on sidewalks during the winter season. Homeowners are responsible for shoveling their own driveways.

16. TRASH REMOVAL

- 16.1 Trash and recyclables are picked up every Wednesday morning. Trash should be put out in closed, plastic bags or in covered containers supplied by the County. Recyclables should be put in the yellow, plastic container provided by the County with newspaper in paper bags. Neither trash nor recyclables should be put out earlier than the night before a pickup. Residents are requested to ensure that trash and recyclables are well secured to prevent disbursement due to high winds or animals. Trash containers, including recyclable containers, are not permitted to remain in public view except on pickup days. Residents are requested to pick up loose garbage.

17. PETS

- 17.1 Homeowners are permitted to have common household pets, provided they are not kept, bred, or maintained for commercial purposes. Arlington County zoning ordinances do not permit keeping more than two (2) dogs on lots the size of those in Highgate. Highgate is governed by the Arlington County regulations pertaining to dogs as follows:
- (A) Dog owners are responsible for ensuring that their pets are law abiding County residents. County code requires that dogs be restrained by a dependable leash and controlled by a responsible person when not on the owner's property. It is further against the law to allow animals on or to damage another person's property, including plantings and other improvements, or to continue to make loud and objectionable noises. Animals must not be allowed to urinate or defecate on the property of other owners or the common areas. Please curb your dog(s). You must pick up and appropriately dispose of your dog(s) droppings. Any homeowner who violates this provision may receive a warning from the Board of Directors.
 - (B) Homeowner are encouraged to report violations to the County Animal Warden.

18. JUNK AND COMMERCIAL VEHICLES

- 18.1 Junk vehicles, house trailers, or commercial vehicles, such as, but not limited to, moving vans, trucks, tractors, trailers, boats, boating equipment, travel trailers, camping equipment or economically inoperable vehicles, etc., may not be kept on any Lot parking space, street, or common area of Highgate.

19. PARKING

- 19.1 It was originally intended that residents vehicles would be parked in garages and driveways with minimal spill over to the common spaces. Such spaces were intended mainly for guests of residents. Parking in the fire lanes at Colonial Terrace and Colonial Court, is prohibited and the County will ticket cars in violation of this

law. Since guests are now often displaced, residents should ensure that they use their own garage and driveway to park their vehicles.

- 19.2 Curb parking on Colonial Court is prohibited. Any resident can arrange for an illegally parked car to be towed from Colonial Court by calling a member of the Board of Directors.

20. PENALTIES

- 20.1 The Declaration of Covenants allows the Board of Directors, acting on behalf of the Homeowners Association, to enforce the ByLaws through any proceeding at law or in equity.