

**Architectural Guidelines For**

**Landscaping, Outbuildings, Rear Porches, Decks, & Fencing**

# OVERVIEW

Fontana has been planned to be a distinctive and unique community in the Charlottesville area. Only the best architecture, design, and landscaping features will be approved in order to create a context in which individual homeowner preferences are are blended with others in Fontana with the goal of maintaining the character of the community and protecting property values. To accomplish these goals, the following guidelines and protective restrictions have been established.

The function, scope, and actions of the Architectural Review Board (ARB) are authorized by the

FOAI Board of Directors and governed by the FOAI *Declaration of Covenants, Conditions, Restrictions, and Easements* (“Declaration”) Article I, Section 1, Article VII, Section 2.a.iii, and Articles VIII and IX in their entirety; the *Articles of* Incorporation, Article IV, Section b; and the *Bylaws of Fontana Homeowners Association, Inc.* (“Bylaws”), Article VIII in its entirety*.*

The purpose of the ARB is to reconcile individual homeowner preferences with the Fontana Guidelines which seek to “ensure that improvements are constructed on the Property and landscaping is performed on the Property in such a manner so as (i) to preserve and enhance values, (ii) to maintain a harmonious relationship among structures and the natural vegetation and topography and (iii) to preserve the general character and color, tone and architectural compatibility of the area as originally constructed. (Article VIII, Section 1 of the Declaration and Covenants, p. 19) Consistent with the covenants, maintenance and/or repairs that do not alter the appearance of the property do not require ARB approval.

Whenever a homeowner proposes to alter the exterior of any improvement; including landscaping, structures, fencing, or modifications; the homeowner will follow the guidelines below in addition to reviewing the above cited excerpts of the Declaration, Articles, and Bylaws. The Declaration contains restrictions affecting each owner and the use of the site and improvements. If applicable, a building permit must be obtained from the appropriate County Building Official before any construction commences. The ARB, under the authority of the Board of Directors, will review all landscaping, structures, fencing, or modifications, and will adhere to the Declaration.

The FOAI Board of Directors (BoD) believes homeowners will make improvements and maintain their properties consistent with Article VIII, Section 1 of the Declaration and Covenants and these Guidelines.  As such, the FOAI BoD  expects its ARB to gather the information needed to make a decision; apply  Article VIII, Section 1 of the Declaration and Covenants and these Guidelines; and, approve homeowner improvement applications in a timely manner. When homeowner applications for improvements are disapproved, the ARB will report the disapproval to the FOAI BoD at the next BoD meeting. Homeowners whose applications have been disapproved by the ARB may appeal that decision to the FOAI BoD.

While the vehicle for making an improvement is a written application (available in the Residents Only section of the Fontana website), many times written applications fall short when communicating the planned improvement and the context in which it is being made. Therefore, early communication and frequent communication—to include ARB members visiting the site—between homeowners and the ARB can lead to better outcomes.

Homeowners’ rights include the following:

* Consistent with the covenants, maintenance and/or repairs that do not alter the appearance of the property are exempt from the ARB process unless the maintenance repairs or repair process itself could cause a negative impact to the value of the homeowner or a neighbor’s property, or alter its appearance. This is to ensure that homeowners are empowered to pursue timely, cost-effective upkeep of properties. If there is a question about whether the repair will negatively impact a neighbor’s property, the homeowner is expected to contact the ARB who will make a determination.
  + Examples of maintenance that do not need to go through the ARB process include (but are not limited to):
    - Repainting any exterior surface the same (or similar) color.
    - Replacing siding with the same (or similar) color and style of siding.
    - Repairing decking with similar color materials using current materials (e.g. replacing wood with “Trex” like materials).
    - Replacing a roof with similar color and styled shingles of required quality (25-year minimum)
  + Examples of maintenance for which a homeowner *should* apply to the ARB include:
    - Significant excavation on the property
* Homeowners have a right to appeal the rejection of an ARB application directly to the Board of Directors.

# ARB Alternates

The Board of Directors (BoD) may choose to appoint ARB “alternates”. The two core purposes for appointing ARB alternates are…

1. …to fill in for regular voting ARB members when the regular member is unable to attend to ARB duties (e.g. vacation, medical leave).
2. …to serve as a “bench” from which to draw future ARB members.

Like regular ARB members, ARB alternates are appointed by and serve at the sole discretion of the BoD and, per FOAI covenants, may be dismissed at any time for any reason by the BoD. The process for assigning an ARB alternate is as follows:

* An ARB alternate becomes a voting member of the ARB upon an approval vote by the BoD for a limited tenure.
* The assignment of an alternate to become a voting member shall be recorded in the BoD meeting minutes.
* The alternate’s tenure as a voting member shall end when the regular member returns to their duties.
* The recommended process for assigning an alternate to regular ARB duty is for the original ARB member needing a substitute to inform the BoD of their upcoming break from duties. The BoD shall then consider and vote on which alternate should fill in on a temporary basis ending as soon as the regular member is able to return to their duties.
* The BoD may choose to appoint up to 6 ARB alternates.

The roles and responsibilities of an ARB alternate *while they are still an alternate* are as follows:

* The alternate is encouraged but not required to attend any ARB meeting for the purposes of becoming familiar with both the ARB processes and current homeowner issues.
* The alternate should endeavor to avoid disruptions or regular ARB business and support the smooth functioning of the regular ARB deliberations.
* The alternate must adhere to any process or guideline created by the ARB for the efficient functioning of ARB tasks.
* The alternate is encouraged to provide concise, judicious feedback on ARB applications and tasks.
* At the request (and only at the request) of an ARB member, the alternate may assist with ARB administrative tasks.

The roles and responsibilities of an ARB alternate when they have been temporarily elevated to a regular ARB member are exactly the same as regular ARB members.

# GUIDELINES

The following *Architectural Guidelines for Landscaping, Outbuildings, Rear Porches, Decks, &*

*Fencing* (“Guidelines”) adopted by the Fontana Owners Association, Inc. (FOAI) Board of Directors this 16th day of February 2016 are for the protection and benefit of all members.

The following Guidelines will remain in force until such time as the Association’s Board of Directors shall amend, replace, or terminate them.

1. Safety Issues: Any reasonable alterations of the external structure or landscaping or other construction intended to address a safety issue or disability access may be approved by the BoD, regardless of ARB guidelines.

1. Trees and Landscaping: Preserving the existing terrain, using native vegetation and minimizing disturbance of the natural setting should be focal points for landscaping. All houses must incorporate a minimum landscape plan, which is to be reviewed by the ARB. **(*Declaration*, Article I, Section 1.v)** Minimum Requirements:
   * Seed and straw on all disturbed areas.
   * (2) each minimum 6' to 8' tall flowering trees.
   * (2) each minimum 2' to 2.5' tall evergreens.
   * (14) each 1.5’ to 2.5’ tall medium evergreen shrubs
   * (6) each 1.5’ to 2’ tall medium flowering shrubs

Removal of a dead or diseased tree does not require approval. Tree must be replaced if removal of dead or diseased tree causes vegetation guidelines to fall below minimum requirements. Planting a new tree does require approval. (*Declarations* Article IX, Section

1.v)

1. Exterior Materials: Materials that are in wide use such as vinyl, hardboard, brick, stone, stucco, or composite materials (e.g. “Trex”) will be favorably considered by the ARB.
   * “Wide use” can be defined as a material that is currently being sold or has been sold by a major retailer in the past 5 years.
   * The ARB encourages homeowners to propose and discuss the pro/cons of new materials with the ARB to help guidance remain consistent with current materials trends.

1. Windows and Doors: Metal windows and doors must be of a painted or baked enamel finish, not unfinished aluminum or galvanized metal finishes. Homeowners can choose any color that preserve(s) the general character, tone, and architectural compatibility of the area as originally constructed to exclude “neon” colors.
2. Roofing: Shingles must be rated at a 25-year minimum. Roof colors must be approved by the ARB. Metal roofs are reserved for “accent” roofs only.
   * Solar Panels: FOAI supports homeowner installation of solar panels as governed by VA law 55.1-1820.1 (<https://law.lis.virginia.gov/vacode/title55.1/chapter18/section55.1-1820.1/>). Solar roofs are comprised of photovoltaic solar energy collecting "shingles," and non-photovoltaic solar energy collecting shingles.
   * The non-photovoltaic shingles in a solar-roof installation must be asphalt or fiberglass multi-dimensional shingles.
   * Solar “banks” or batteries that store solar energy should be installed out of site of street-view or must be screened from street-view wherever possible by the house, the garage, landscape plantings, or in rare cases by an approved Special Purpose Fence (see section 8)

1. Exterior Lighting: Ground level landscape lighting is acceptable. Overhead lighting, if desired, should be created by post lamps, flood lights mounted on the exterior of the house, or tree lighting. In all cases, the impact of lighting on adjacent properties will be considered by the ARB.

1. Fences of all types and purposes: The ARB or its designated representative will review each fence application on an individual basis to determine whether the fence will be approved. All fence proposals must include a foundation survey of the Lot showing the current location of existing structures with the proposed fencing area drawn in (a hand-drawing of the fence is acceptable). **(*Declaration*, Article I, Section 1.u)**

* + Boundary Fencing: Boundary Fencing, defined as fencing at the Lot’s Property Lines or no further than 4 inches inside the Lot’s Property Lines, is permitted at the rear and side property lines of the *back* yard, if it complements the house and landscape designs. This Fencing may extend up the side yards toward the front of the house, but not farther than the midpoint between the rear corner of the house and the front corner of the house. Front yard Boundary Fences are not permitted.

* + - 1. In almost all cases, A Boundary Fence may not be built parallel to a Boundary Fence has already been erected by a neighbor on or close to the mutual property line. A new Boundary Fence will be allowed to meet and touch pre-existing neighboring Boundary Fences at right angles, and the owners of the neighboring Boundary Fences will allow this to happen.

* + - 1. Boundary Fences may not be over 4 feet high. Pet dogs able to jump over a 4-foot Fence should be confined by means of an invisible electronic Fence. *Privacy* Boundary Fences, (i.e., view-blocking Boundary Fences) of any fence height are not permitted. If additional privacy at the Lot boundaries is desired, the Homeowner may achieve it with approved landscape plantings.

* + - 1. Boundary Fences may not be made of metal (including chain-link), plastic, stone, concrete, or blocks. Boundary Fences must be made of treated wood or cedar (cedar may be left untreated).

* + - 1. Generally, Three types of Boundary Fence are permitted:
         1. A Horse Fence (a.k.a. Post & Board Fence) with 2 to 3 horizontal boards.
         2. A Split-Rail Fence with 2 to 3 horizontal rails, and
         3. A Picket Fence with vertical planks (i.e., “pickets”) no narrower than 3 ½” and having gaps between them of at least 1 ¾”; up to vertical planks no wider than 5 ¾” and having gaps between them of at least 3 ½”. Boards and pickets may be installed on only *one* side of a Boundary Fence, namely on the *outside*, of the Boundary Fence. To further enclose any of these three types of Fencing, (e.g., to prevent escape of pets), 14-guage or heavier 2" x 4" meshed turkey-wire, i.e. galvanized steel welded wire (not chicken-wire), with a natural finish and left to weather, mounted on the inside of the Fence, will be acceptable if it is in addition to the planks or rails
      2. Chain-link fences are prohibited.

* + Non-Boundary Fencing: All Non-Boundary Fences, including privacy fences for small interior areas of the backyard (e.g. to shield a hot tub), decorative fencing for landscaping purposes, and all other special-purpose fences, will be considered by the ARB on an individual basis. These fences may be approved if and only if they are relatively short in length, not located on or near a lot line, and are intended to meet a specific need. Factors taken into consideration will include the height of the proposed fence, visibility from the road, and the style of the fence in relation to the architectural design of the house. The ARB will restrict most Fencing in this Section (7-b) to the rear yard. No fences in this Section (7-b) may be over six feet high, and no unpainted natural aluminum or galvanized metal finishes are permitted.

* + Fences parallel to a rear Lot Boundary Line but *more* than 4-inches in from that Lot Line must be at least 3-feet in from the Lot Line to permit mowing and other landscape maintenance between the fences in the event that the next-door neighbor installs a Boundary Fence at or within 4 inches of the Lot Line.

1. Outbuildings, Garden Structures, Rear Porches, & Decks: The ARB will review each outbuilding (including storage sheds, workshops, garages, and playhouses), Garden

Structure (including gazebos, pergolas, and arbors), Attached Roofed Rear Porch, and Deck application on an individual basis, and will determine whether the structure will be approved. All applications for structures must include a foundation survey of the Lot showing the current location of existing structures with the proposed structure to scale, in a contrasting color.

1. Outbuildings and Attached Roofed Rear Porches must be designed and located to complement the house, service yard, and landscape designs. The exterior materials must be of the same materials or similar materials as the analogous exterior materials of the house, and must present the same appearance to the street

(including orientation, pattern, and color) as the analogous exterior materials of the house. Any shed, gazebo or unattached garden structure: should not be erected within 10 ft. of any trail or common area and should not obscure or obstruct the view or light of a neighboring lot. All replacements to current structures shall meet current guidelines and approval processes.

1. Garden Structures (including rear decks, gazebos, pergolas, arbors) and porch railings must be made of cedar, chemically-treated wood, Trex-like wood substitute, or some combination of these materials.

1. Roof pitches for Outbuildings and Attached Roofed Rear Porches must comply with the same standards established for the house, with possible exceptions for attached roofed rear porches as may be approved by the Architectural Review Board.

1. Painting and Staining: Rear decks, doghouses, playhouses, gazebos, arbors must be painted or stained neutral colors; Chemically-treated wood should be stained, and not painted. Cedar wood can be left unpainted and unstained.

1. Allowing New Wood to Dry: Regarding all structures in Section 8, and all Fencing in Section 7: Following good construction practices, Homeowners and builders shall be allowed sufficient time for newly-installed wood to dry and cure before painting or staining.

1. Screening: Service and utility areas, including air conditioning units and solar banks/batteries (for solar roofs) must be screened from street-view wherever possible by the house, the garage, landscape plantings, or in rare cases by an approved Special Purpose Fence. Outdoor receptacles for, ashes, trash, rubbish, or garbage; and stacks of fireplace wood (which must orderly) shall be screened, installed underground, or placed so as not to be visible from any lot or street within the development at any time except during refuse collection. **(*Declaration*, Article IX, Sections 1.e and 1.q)**

1. *Mailboxes and Mailbox Stands*: New and replacement Mailboxes, newspaper-holders, and mailbox poles must conform to design and materials specifications established and published by the Architectural Review Board. Homeowners are responsible for the costs of the Mailbox, as well as the ongoing maintenance. Mailbox stands should be in an orderly, steady, straight-vertical, and well-painted condition. **(*Declaration*, Article IX, Section 1.r)**

# PROCEDURES

## Procedures Purpose

NOTE: Guidelines for New-Home Construction, Room Additions, and Rebuilds are contained in an appendix, the *Architectural Review Procedures Addendum,* which isattached to *Fontana Architectural Review Procedures,* dated February 16, 2016 (“Addendum”).

## Workflow

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| --- | --- | --- |
| **Step** | **Architectural Review Workflow** | **Responsible Party** |
| 1 | If you are building or rebuilding a home or putting on an addition, please refer to the Addendum to these Procedures. All others review the Architectural Guidelines below and proceed to step 2. | Homeowner |

|  |  |  |
| --- | --- | --- |
| 2 | Email the application and supporting materials to [arb@foai.org](mailto:arb@foai.org) to begin the process of Architectural Review. The ARB application consists of a form (available on [www.foai.org](http://www.foai.org/) or by requesting via email [arb@foai.org](mailto:arb@foai.org)) along with preliminary sketches (digital renderings of the proposed changes are preferred but not required; links to or pictures of the materials are preferred but not required; physical samples of the materials are not required). The ARB is required to retain this documentation and related communications with homeowners for future reference.  The homeowner may also mail the application materials by USPS mail to FOAI, 111 Fontana Court, Charlottesville, Virginia, 22911. Note: This mailbox is not monitored daily, and this may delay the review. Do not leave the application in the wooden comment box in the Clubhouse. There is no fee required with an application for modification of an existing property. | Homeowner |
| 3 | The ARB email supplies an immediate acknowledgement. The ARB chairperson (or designee) will acknowledge receipt of application within 48 hours of receipt. | ARB |
| 4 | The ARB will review the application and sketches, conducting a site visit if necessary, and the chairperson will contact homeowner with a preliminary approval—with or without modification—or denial with reason. Under most circumstances, requests are processed within five (5) days.  It is incumbent on homeowners to do their best to engage in civil communication with ARB personnel in response to their comments and questions. If a homeowner or the ARB believes that such civil discourse is breaking down, the Board of Directors will step in to mediate. | ARB |
| 5 | Any changes in design or materials of approved applications are to be submitted to the ARB for re-approval. | Homeowner |
| 6 | For compliance, safety, and prevention of interruption of neighborhood services, if the approved work requires any digging, call 811 (or 800-552-7001) to have Miss Utility mark the underground lines prior to commencement of work. | Homeowner |
| 7 | Notify the ARB chairperson when work is completed. | Homeowner |
| 8 | ARB will visit the site to review and certify that work has been done in compliance with the approved application. A copy of the ARB application marked “approved” will be returned to the homeowner. | ARB |
| 10 | Per the governing documents, the Board of Directors will hear any appeals by homeowners to decisions made by the | Homeowner & ARB |

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|  | Architectural Review Board. An appeals decision will be  rendered. Appeals should be submitted in writing to [theboard@foai.org](mailto:theboard@foai.org) . |  |

ARCHITECTURAL REVIEW PROCEDURES ADDENDUM

*Additions, Rebuilds, and New Construction*

These guidelines govern the use and maintenance of individually owned property of members of Fontana Owners Association, Inc. (herein referred to as "Association"), the Common Areas administered by the Association, and the numbered residential lots owned by the developer.

These restrictions and regulations were adopted by the Association’s Board of Directors as its general policy pursuant to authority set forth in the Fontana governing documents outlined in paragraph 2 of the Architectural Review Procedures. The following restrictions and regulations will remain in force until such time as the Association’s Board of Directors shall amend, replace, or terminate them.

Whenever an owner proposes to build or rebuild his/her home or add on to the exterior of any improvement already constructed on his site, he shall follow the procedure set forth in the Declaration. Approval must be granted by the ARB, and where required by ordinance, a building permit must be obtained from the County before construction commences.

1. **Preliminary Review**: The ARB will review sketches or preliminary drawings of the site plan, floor plan, and front elevation to provide the owner conceptual approval prior to having building permit ready working drawings prepared. The ARB, upon their review, will notify the owner of their opinion.
2. House, driveway, and improvements must be staked on the site.
3. **Final Plan Review**: A check for $150.00, two (2) sets of building permit ready working drawings must be submitted to the ARB and shall include the following:
   1. Site Plan Information: (all information must be submitted at a scale of 1" = 20').
      1. North arrow;
      2. Accurate boundary information including lot size;
      3. Building setback lines;
      4. Topographic contour lines at 2' intervals;
      5. Accurate building footprint including proposed decks, porches, stoops, or other detached secondary structures such as storage buildings etc.
      6. Accurate "hardscape" information including driveways, parking areas, walkways, and on-site storm water drainage (NOTE: where needed, standard CMP road pipes must be a minimum of 15" x 24' -0")
      7. Landscaping plan
      8. Indicate all existing utility easements and planned connections for water and sewer service.
      9. Copy of plat approved by local jurisdiction.
      10. Approx. location of preexisting houses on adjoining properties.
   2. House Plan Information
      1. Floor plans;
      2. House Elevations at 1/4" = 1'-0" scale with notes indicating all exterior finishes and materials, and with all accurate grade lines shown;
      3. One wall section at 3/4" = 1'-0" scale fully noted
      4. Indicate location for HVAC unit, electric, and gas hookups.

Final approval will not be granted until plans are submitted specifying exterior textures, including siding and/or brick, stone or drivet, roofing material, foundation facing material, windows, and doors. Colors may be submitted at this time or later, but must be submitted and approved prior to application.

1. After reviewing the properly submitted plans, the ARB will return one copy to the owner with comments and maintain the other for its files. Approval to build, additional information, or required modifications will be made in writing by the ARB within ten (10) days after submittal.
2. Two inspections and approvals by the ARB are required:
   1. Stakeout Review

A member of the ARB or its designated representative will accompany the owner or builder to the site to review the stakeout and approve the flagging for clearing. Each corner of the house should be clearly marked by a stake and the entire clearing (including the driveway) should be defined with flagging tape. Any other clearing (for views, etc.) should also be clearly marked; Fontana Owners Association Declarations do not allow removal of any tree with a diameter greater than one and one half inches without prior approval of the ARB unless it is within ten feet of the footprint of the house.

* 1. Final compliance

The exterior of the house must be built in conformance with the plans submitted. Approved colors, proper treatment of driveways, provisions for service areas and other requirements of these restrictions must be complied with before a final Certificate of Compliance will be issued by the ARB.

1. Any additions or alterations to approved plans must be submitted to the ARB for consideration before changes are put into effect.
2. Actual exterior construction must comply exactly with approved plans and specifications. Final cleanup must be finished prior to receipt of a Certificate of Compliance and final landscaping must be completed upon completion of the residence, with allowances made for inclement weather.

# Design Criteria and Recommendations

The following information and recommendations are offered to property owners and their architects or designers as a planning guide for use during the design process. The ARB will base its decisions on these considerations. Exceptions will be granted only where strict adherence would result in an extreme hardship. In general, the desire is to create building forms, which are harmonious with the landscape. Carefully selecting materials, colors, and finishing will contribute to the overall appearance of Fontana. As Fontana grows, the relationship of each residence to its neighbors becomes increasingly important and will be a prime consideration in the design process.

Siting: Houses will be blended into the natural landscape by careful siting so that they fit the natural contour of the land, maximize views, maintain a harmonious relationship among structures and preserve existing natural vegetation and topography. The existing terrain shall be left undisturbed wherever possible to preserve natural vegetation. Particular care should be taken to preserve ground cover so that the likelihood of soil erosion is minimized. General clearing of the site is not permitted. All disturbed areas must be restored with bark mulch, grass or ground cover. Site clearing must be labeled on the site plan and landscaping plans indicated in writing.

Design: Massing of various elements, such as garages and chimneys, proportions of windows in the relationship to solid walls, finishes, colors, roof pitch, and other important design elements must be carefully considered. The following list highlights specific restrictions, which will be rigidly enforced in Fontana in order to implement the concept outlined above.

Access, Parking, and Walls: Driveways should be considered from the standpoint of safety access upon the main road and ease of grade, minimizing the amount of required clearing. A driveway with more than one (1) curb cut on a single lot will not be permitted other than in an extreme case scenario. Standard CMP road pipes (minimum 15" x 24') must be installed where needed at driveway entrance before site excavation begins. Driveway culverts may not be needed in all locations. It is recommended to contact the developer/or his representative as to whether or not your lot will need a culvert and, if so, where the most appropriate location would be. Rear entry garages will be discouraged, and only considered for approval on case by case situations. Front loading garages are permissible. Where there is sufficient space available, a side loading garage will be permissible. Driveways and parking areas must be asphalt.

Foundations and Retaining Walls: The owner and builder should strive to minimize exposed foundation walls and retaining walls. Exposed foundations shall be covered with same siding as the house (siding material shall be installed 8" to 12" within final grade), brick, stone, or stucco. All foundation coverings/treatments should complement other exterior materials. Uncovered concrete, plain or parged blocks are unacceptable. Where retaining walls are required, use modular rough-textured gravity masonry units with earth tone colors, or same materials as foundation walls.

Exterior Materials: In order to create a harmony on the site it is suggested, but not required, that vinyl, hardboard, brick, stone, or stucco be used as an exterior finish. Other exterior materials may be considered by the ARB depending on the particular specifications. Metal windows and doors *must* be of a painted or baked enamel finish. No natural metal finishes; such as aluminum finish windows, storm windows, or doors; are to be used.

Roofing: Roof pitches must be 8/12 or greater on the main portion of the house. Any exceptions must be approved by the ARB. Asphalt or fiberglass multi-dimensional shingles must be rated at a 25-year minimum. Roof colors must be approved by the ARB. Light roof colors will be discouraged.

Exterior Lighting: Ground level landscape lighting is acceptable. Overhead lighting, if desired, should be created by post lamps, flood lights mounted on the exterior of the house or tree lighting. Night landscape lighting is permitted; however, as in every area, the impact of lighting on adjacent properties is considered by the ARB.

Landscaping: Preserving the existing terrain, using native vegetation and minimizing disturbance of the natural setting should be focal points for landscaping. All houses must incorporate a minimum landscape plan, which is to be reviewed by the ARB. Minimum Requirements:

1. Seed and straw on all disturbed areas.
2. (2) each minimum 6' to 8' tall flowering trees.
3. (2) each minimum 2' to 2.5' tall evergreens.
4. (14) each minimum 1.5' to 2.5' medium evergreen shrubs.
5. (6) each minimum 1.5' to 2' tall medium flowering shrubs.

Specific Requirements:

1. Freestanding storage sheds, workshops, garages, or other outbuildings must be designed and 1ocated as an integral part of the house, service yard, and landscape designs. The exterior materials must be of the same as the house. Roof pitches must comply with same standards established for the house.
2. Doghouses, playhouses, gazebos, and front porch railings must be painted or stained to blend with the house and/or natural landscaping.
   1. Front porch railings that are wooden should be painted or stained in accordance with current architectural elements or colors of the house or in keeping with recent house features in comparable neighborhoods.
   2. High quality, metal railings are allowed on front porches (such as Trex railings) and they may be black, or an alternate color commonly installed by builders in comparable neighborhoods, so long as they complement the house. Homeowners wishing to replace such railings should submit an application to the ARB.
3. Highly visible service and utility areas must be screened, including heating/air conditioning units. Creating a buffer between street side and the area of concern by landscape plantings will be acceptable.
4. The ARB will review each fence application on an individual basis, and in its sole discretion will determine whether the fence will be approved. All fence proposals must include a foundation survey showing the current location of existing structures with the proposed fencing area drawn in.
   1. A three plank horse fence, used as a boundary fence in the rear yard and developed as an integral part of the landscape plan will be acceptable. For use to enclose such a fence, a 2" x 4" gauge turkey wire, natural finish and left to weather, on the inside will be acceptable.
   2. Other Fencing: All other fences such as privacy fences, and decorative fencing for landscaping purposes will be considered by the ARB on an individual basis. These types of fencing will be considered if and only if they are for a limited and specific need basis. Factors taken into consideration will include height of the proposed fence, visibility from the road, and the style of the fence in relation to the architectural design of the house.
5. All front porches shall be masonry with the same finish material as foundation, i.e.: brick, stone, drivet, etc.
6. No unpainted natural (mill finished) aluminum or galvanized finish is permitted.
7. Window screens and storm doors must be white, anodized bronze or painted to match the trim or body color of house. The style of storm doors must be approved by the ARB.
8. All houses must have walkways from the driveway to the front door designed as an integral part of the house and landscape. Exposed aggregate concrete is required for walkways. Asphalt, loose gravel, and flagstones "dropped" on top of the ground in an ill-defined pattern are not acceptable. Any other walkway surfaces shall be constructed in a manner and material approved by the ARB.
9. Outdoor receptacles for ashes, trash, rubbish, or garbage shall be screened, installed under­ground, or placed so as not to be visible from any lot or street within the development at any time except during refuse collection.
10. Minimum finished square foot shall be 1,800 square feet for a one level home, and 2,200 square feet for a two level home.

# Construction Rules

In order to protect the investment of owners and minimize inconvenience to families already living in Fontana, the following regulations apply to all new and rebuilt construction:

1. A gravel surface to the construction area must be maintained at all times to keep mud from being tracked on hard surface roads for any reason.
2. All equipment must be loaded and unloaded on the lot. No tracked vehicles or equipment will be allowed on hard surface roads for any reason.
3. When parking is not possible on the property due to inclement weather, parking will be allowed on the roadside adjacent to the property, except during periods of snow removal. Lot Owner

shall, at Lot Owner’s expense, repair all damage to any area off the Property damaged as a consequence of such parking or other activity by or for Lot Owner in connection with the construction of improvements on the Property. Lot Owner shall indemnify and hold Developer harmless from any and all costs and expenses arising from such damage.

1. Lot Owner is required to keep trash on construction sites consolidated in orderly piles with protection from blowing of loose paper, trash, etc. Construction sites must by regularly cleared of trash piles. Commercial trash containers shall be permitted on or adjacent to the Property, as long as they do not cause any obstruction or damage to the property or developers interest, and they are properly maintained.
2. Lot Owner shall contact Miss Utility by calling 811 or 800-522-7001 to determine whether any underground utilities are buried under any location where Lot Owner shall dig in connection with Lot Owner's construction of improvements on the Property, and Lot Owner shall ensure that any utility entity mark the location of its underground lines and appurtenances prior to Lot Owner's digging. All disturbed areas must be re-seeded. Lot Owner shall hold Developer harmless and indemnify Developer from any and all costs and expense arising from damage to any utilities and/or the appurtenances to such utilities which occurs as a consequence of construction activities by or for Lot Owner in connection with the construction of improvements on the Property.
3. Lot Owner shall ensure that proper erosion control methods are utilized during construction of improvements on the Property, in accordance with County of Albemarle's guidelines for development.
4. Lot Owner shall provide temporary toilet facilities to the Property, which shall be discreetly located so as not to distract from the curb appeal of the property.
5. Lot Owner shall satisfy all requirements of the Albemarle County Building Inspections Department. Construction of improvements must be completed within twelve (12) months from date of Settlement.
6. A list of Approved Builders shall be provided upon request. The approved builders have demonstrated their interest and ability in complying with the Fontana design philosophy and with all guidelines, criteria and regulations set forth herein. This list constitutes the exclusive builders approved to construct residences in Fontana.

IT IS THE RESPONSIBILITY OF THE LOT OWNER AND HIS GENERAL CONTRACTOR, IF APPLICABLE, TO MAKE SURE THAT THE FOREGOING PROCEDURES ARE FOLLOWED BY ALL SUBCONTRACTORS, EMPLOYEES, AND SUPPLIERS IN CONNECTION WITH ANY IMPROVEMENTS CONSTRUCTED ON THE PROPERTY. LOT OWNER SHALL REPAIR OR CAUSE TO BE REPAIRED ANY AND ALL DAMAGE TO PROPERTY IN THE SUBDIVISION IN WHICH THE PROPERTY IS LOCATED, WHICH DAMAGE IS CAUSED BY ITS CONTRACTORS, SUBCONTRACTORS, EMPLOYEES AND SUPPLIERS, IN CONNECTION WITH ANY AND ALL ACTIVIVIES INVLOVED IN THE CONSTRUCTION OF IMPROVEMENTS ON THE PROPERTY, AND SHALL INDEMNIFY AND HOLD DEVELOPER HARMLESS FROM ANY AND ALL COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM SUCH DAMAGE.