

CASE REZ2023_____

August 17, 2023

1. **Concept Plan.** The Property shall be developed in general conformance with Exhibit A, attached hereto (see case file), entitled “GASKINS AT PATTERSON NATURE PRESERVE TOWNHOUSES AND COTTAGES”, and dated April 23, 2023 (the “Concept Plan”). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.
2. **Architecture.** To minimize visual repetition of buildings, no two adjacent buildings shall have the same identical individual elevation sequence pattern across the front of the building. The side of each end unit shall include at least two (2) windows and the rear of each unit shall include at least two (2) windows on each floor. Townhomes shall be no more than four (4) units wide for any building. Buildings constructed on the Property shall generally be in conformance with the renderings entitled “GASKINS AT PATTERSON NATURE PRESERVE TOWNHOMES”, dated May 20, 2023 and entitled “GASKINS AT PATTERSON NATURE PRESERVE COTTAGES” dated August 16, 2023 (see case file, two (2) pages), and attached hereto and by this reference made a part

hereof (“Renderings”), unless otherwise approved at the time of Plan of Development review.

3. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
4. **Best Management Practices.** Best Management Practice (“BMP”) structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond BMP structures shall include an aeration feature to move water within such structure.
5. **Protective Covenants.** Prior to or concurrent with the final approval of the initial Plan of Development for the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), setting forth controls on the development and maintenance of the Property and establishing an owners' associations (the "Association"). All common amenities and common areas shall be maintained by the Association for the benefit of the owners, residents, tenants and their guests.
6. **Pedestrian Amenities.** Pedestrian areas, trails, walks and amenities shall be provided throughout the development to provide pedestrian connectivity throughout the entire development, all as generally shown on the Concept Plan. A pedestrian phasing plan shall be submitted to the County for review and approval as part of the first Plan of Development on the Property. This plan shall include the design, material and location of pedestrian elements. Trails/walks within the Property shall be constructed of concrete, exposed aggregate concrete, asphalt, stone, pavers, or brick or soft surfaces such as mulch, pea gravel, boardwalks, crushed gravel, or loose stone.
7. **Density.** No more than 40 dwelling units will be developed on the Property.

8. **Minimum Finished Floor Area.** The minimum finished floor area for any dwelling unit shall be 2000 square feet.
9. **Sound Suppression Measures.** Walls between dwelling units shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54). A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the STC, shall be included in the building permit application.
10. **Garages.** Each residential unit shall have a minimum of a 1 car garage.
11. **Building Materials.** All buildings shall have exposed exterior walls (above grade) of brick, stone, dryvit, and/or cementitious siding (such as Hardiplank or an equivalent), or a combination of the foregoing unless different architectural treatment or materials are specifically approved at the time of Plan of Development review.
12. **Chimneys.** The exposed portions of all fireplace chimneys, if present, shall be of brick, stone, cultured stone, or siding similar to the exterior treatment of the building. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. This proffer shall not apply to direct-vent gas fireplaces or appliances.
13. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches of brick, stone or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.
14. **Foundation Planting.** Each building shall have a minimum of four (4) shrubs planted in the front planting bed.
15. **Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the built roadways within the project were constructed according to the approved

subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width, turning radii, cul-de-sac dimensions, curb type, and underdrains), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. The internal roadways shall be private and shall be maintained by the Association.

16. **Driveways**. Where driveways exist, driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
17. **Sidewalks**. A continuous sidewalk a minimum of four (4) feet in width shall be provided in front of all residential buildings.
18. **Trash**. There shall be no central trash receptacles.
19. **Entrance Feature**. Any detached entrance sign shall be ground mounted monument-style and not exceed eight feet in height.
20. **Rental Product**. No more than 10% of all dwelling units shall be permitted to be for rent at any given time. This restriction shall also be made a part of the Covenants and enforced by the Association.
21. **C-1 Conservation District**. Prior to filing the final subdivision plan on the Property, the Owner/Applicant shall apply to rezone such portions of the Property situated within the 100-year floodplain/special flood hazard area to a C-1 Conservation District. The location and limits of such portions of the Property shall be established by definitive surveys approved by the Department of Public Works.
22. **Amenities**. Recreational amenities for use by dwelling unit owners and guests shall include at least one gathering area containing a gazebo or pavilion with outdoor furniture with a fire pit with chairs or a grill and tables, and as otherwise approved at the time of subdivision or plan of development review.
23. **Construction Hours**. The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be limited to the

hours between 7:00 a.m. and 7:00 p.m. or dusk (whichever occurs first) Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. No exterior construction activities shall be allowed on Sundays. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.

24. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.