

Note: For the purposes of this regulation, Riverview Overlook Community Association trades as Occoquan Landing Community Association and are used interchangeably.

## **ARCHITECTURAL CONTROL GUIDELINES**

**1. Authority.** The Architectural Control Committee (ACC) is established by Paragraph 2 of Article II Protective Covenants and Restrictions. The ACC is composed of three members and is responsible for approving all requests for modification to the external appearance of any home within Riverview Overlook.

Specifically, the Covenants Article II, Paragraph 2, states: “The Architectural Control Committee shall be composed of three members, one of who shall be an elected member of the Board of Directors, serving as Chairman of that Committee. The remaining two members will be appointed by the President of the Association and will serve a two-year term on the Committee to run concurrent with the term of office of the Chairman. In the event of the departure of a Committee member prior to the expiration of his/her assignment, or where an individual refuses to serve on the Committee, the President shall designate a replacement member. In the event the Chairman of the Committee departs, the Board of Directors will elect a replacement. The members of the Committee shall not be entitled to any compensation in connection with the performance of their functions unless such compensation is specifically approved by the Board of Directors. All decisions of the Architectural Control Committee are subject to appeal and to review by the Board of Directors.”

Specifically, Article II, Paragraph 1, Protective Covenants and Restrictions, states: "No building, structure, fence, wall, alteration, addition, or improvement of any character other than an interior alteration not affecting the external appearance of a building or structure, shall be constructed upon any portion of The Properties unless and until a plan of such construction shall have been approved by the ACC. The Committee will consider: quality of workmanship and materials, harmony of external design and color with surrounding structures, location with respect to topography and finished grade elevation, and other factors affecting the desirability or suitability of the construction."

### **2. Purpose.**

a. The purpose of the Architectural Control Guidelines is to publish the consensus of the ACC’s interpretation of the By-Laws and Covenants and to provide additional guidance concerning architectural control. These Guidelines are intended to protect the investments of all residents. In this way, no one will be subjected to a carelessly designed addition or any other exterior change, which could adversely affect the intrinsic or resale value of a home. The Committee will concentrate on keeping all requested additions within the original architectural style established by the builder, including choice of colors. Effects on natural drainage and erosion will be considered where appropriate. Article VI, Section 4, of the By-Laws states, “The regulations set forth by the ACC shall be enforced in order to conserve the natural beauty of the subdivided property, to ensure continued maintenance of the exterior of the dwellings and to preserve the value of all properties.”

b. Homeowners, by virtue of ownership, are responsible for the condition, appearance, and maintenance of their property. Owners are responsible for maintaining all ACC approvals and documentation. These documents should also be passed to the new owners upon the sale of the property. The Homeowner's Association can initiate the repairs and pass the cost to the homeowners whose properties are not in compliance with these Guidelines.

### **3. Request for ACC Approval.**

a. All requests for exterior modifications must be submitted in writing to the Chairman of the ACC and must include sufficient information to accurately describe the requested modification. Any complex plan must include drawings. The ACC must respond within 15 days to all requests for modifications. All approved requests for exterior additions or modifications to the exterior of property, must be completed within six months of the approval date. Additional time to complete an approved project will be considered by the ACC upon receipt of a written request.

b. Repair and/or maintenance to either the original building component or a previously approved modification that was built does not require approval as long as the repair does not alter the appearance or construction of the component. This includes replacement of the wood or brick fence; sidewalk to house; stoop; roof; exterior doors; and windows.

c. It should be noted that modifications without ACC approval or failure to follow the exact modification plans, are subject to legal action to ensure compliance and adherence with these Guidelines and may result in the removal of the modification at the owner's expense.

d. All alterations/modifications/additions must meet pertinent County codes and all permits, variance, etc., must be secured prior to commencement of work. It should be recognized that County officials are responsible for ascertaining the modifications are in accordance with building codes, but are not responsible for ascertaining that modifications are in accordance with these Guidelines.

e. Requests denied by the ACC can be appealed to the Board of Directors.

### **4. Construction.**

**a. Fences.** All backyards will be enclosed with a six-foot high privacy fence. The fence must be maintained and not be allowed to fall into disrepair. Fences must be replaced when the overall appearance becomes a detriment to the property; i.e, all framing must be structurally sound and all wood in good repair. Except for the few homes with brick fences that back to Route 123, all homes will utilize standard New England Stockade (pointed tops) 6' spruce or cedar fences with a 3" minimum slat width, 1" minimum slat depth and a 4" minimum post with 3 horizontal supports. Pressure treated fence material may be used. All new privacy fences may be treated on the exterior with clear wood preservative stain or water proofing no sooner than two (2) years after fence installation. Installation of any front yard fencing must be approved by the ACC in writing.

**b. Party Walls.** According to Article VI Party Walls of the Covenants, the cost of reasonable repair and maintenance of a fence shall be shared by the owners who make use of the fence. Article VI states:

1. Each wall which is built as part of the original construction of the homes upon “The Properties and placed on the dividing line between the Lots shall constitute a party wall, and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for party damage due to negligent or willful acts or omissions shall apply thereto.

2. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

3. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration, thereof in proportion to such use without prejudice however, to the right of any such Owner to call for a larger contribution from others under any rule of law regarding liability for negligent or willful acts or omissions.

4. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

5. In the event of any dispute arising concerning a party wall, or under the provisions of this article, each party shall choose one arbitrator, and such arbitrators shall choose an additional arbitrator. The decision of a majority of the arbitrators shall be in writing, shall be final and conclusive of the questions involved, and shall be a condition precedent to any right of action.

**c. Patios.** Construction of front yard patios is prohibited.

**d. Patio Coverings.** Construction of patio coverings must be approved by the ACC and will only be allowed in the backyard. They shall not exceed a height of 1-1/2 feet from the top of the sliding glass door.

**e. Awnings.** Retractable awnings are permissible ONLY on the backs of townhomes. This distinction is necessary to maintain the “colonial” look of the community. All awnings must be retractable and must match the color scheme of the townhome. They must track into a storage box attached to the townhouse not to exceed a height of 1-1/2 feet from the top of the sliding glass door. Both the storage box and the retraction mechanism must be maintained in proper working order. It must have a manual retraction mechanism in case of electrical failure. If the retraction mechanism breaks, it must be repaired within 2 months.

**f. Decks.** Backyard decks are permitted ONLY with prior approval of the ACC. All requests must include diagrams and sufficient details to accurately describe the requested modification. (Note: All previous Deck Standards Documents are obsolete.)

**g. Sheds.** Installation of sheds will only be allowed in the backyard of the townhouse (M had in a home’s backyard); the height of which shall not exceed one foot above the yard’s privacy fence.

**h. External Chimneys.** Construction of an external chimney of any material other than brick is prohibited.

**i. Storm doors, storm windows, and gutters.** These items will be white in color or will be painted a color that is consistent with the color of the house.

**j. Window Shutters.** Shutters are required to be properly installed, maintained, and in good repair. Removal of shutters must be approved by the ACC.

**k. Replacement Windows.** All windows will be double hung and have muntin bars (grille).

**l. Stoops.** Concrete stoops cannot be painted, carpeted, or altered in any way.

**m. Doors.** Front entry doors, if replaced, shall maintain the intended “Colonial” style of the community as determined by the ACC.

**n. General Exterior Maintenance.** All exterior trim, including windows, doors, soffits, and rake boards, must be kept in good repair and properly painted. Additionally, house numbers, exterior mailboxes and light fixtures, stoops and all exterior brick and siding must be kept in good repair; i.e., as close as possible to new or restored condition.

## **5. Paint.**

**a. Colors.** The colors authorized are the original Williamsburg colors. These colors have been recreated through scientific analysis of old paint chips uncovered in buildings which have survived from the Colonial Williamsburg era. The standard the ACC uses is the Williamsburg Collection from the Williamsburg Marketplace 970-0407-WB; these are the original Williamsburg colors. Samples of these colors are available and most contemporary paint manufacturers can match any of these colors.

**b. Board Approval.** Painting townhouse the same Williamsburg color does not require prior ACC Board approval, however, to change the colors or to paint the townhouse with a non-approved Williamsburg color, requires prior approval by the ACC. To do so, two samples of the paint must be submitted with a paint plan to the ACC for prior approval. The paint finish may be flat, satin, or semi-gloss; however, glossy paint is prohibited. Painting of brick, vinyl siding or other composite types of siding requires prior ACC approval.

**c. Color Selection.** Although selection of a paint color is affected by many factors (e.g., personal choice, neighbor's colors, color of brick, color of siding...etc.) the following recommendations should be considered:

(1) If you do not have shutters, then a single color is recommended.

(2) If you do have shutters, then a two tone color scheme is recommended. Normally, two shades of the same color will look best. The lighter color is recommended for the background (e.g., eaves, window frames) while the darker color is recommended for the foreground (e.g., shutters, doors).

## **6. Shrubbery and Trees.**

**a.** “No tree, hedge, or shrub planting shall be maintained in such manner as to obstruct sight lines for vehicular traffic. Except as may be required to comply with the prior sentence, no tree of a diameter of more than four inches, measured two feet above ground level, shall be removed without prior approval of the ACC.” (Covenants Article II, Paragraph 4)

**b.** No tree shall be planted between the sidewalk and curb unless authorized by the ACC.

**c.** Foundation plantings may not obscure the main and upper level windows and must be maintained including trimming and weeding. Moreover, foundation plantings must be in the front and unfenced sides of the home. All landscape plans must be approved by ACC.

**e.** “The Association shall have the right (if after 20 days notice to the Owner of the Lot or Lots involved, setting forth the action intended to be taken; such action has not been taken by the Owner) to trim or prune, at the expense of the Owner, any hedge or other planting that in the opinion of the ACC, by reason of its location or the height to which or the manner in which it is permitted to grow, is detrimental to adjoining property or unattractive in appearance. The Association shall further have the right, upon like notice and conditions, to care for any vacant or unimproved Lot, and to remove grass, weeds, and rubbish there from and do anything else deemed necessary or desirable in the opinion of the ACC to keep such Lot in neat and good order; all at the cost and expense of the Owner, such cost and expense to be paid within ten days thereof, then to become a lien upon the property affected...” (Covenants Article II, Paragraph 10).

**7. Air Conditioners.** Each home is equipped with central air conditioning; consequently, window air conditioners are prohibited.

**8. Clothes Lines.** “No permanently displayed clothes lines will be allowed on any Lot. Residents wishing to conserve energy may utilize temporary or retractable clotheslines for reasonable drying periods.” (Covenants Article II, Paragraph 7) “Temporary,” means less than twelve hours and not overnight. Clotheslines may not exceed six feet in height.

**9. Antennas.** Satellite TV dishes and external DTV antennas are permitted per federal law, but may not extend beyond the property line. All wires shall not be visible from any elevation of the townhome--front or rear.

**10. Use.** “No Lot shall be used except for residential purposes, or for professional offices.” (Covenants Article II, Paragraph 3) “No noxious or offensive activity shall be carried on upon

any portion of the properties, nor shall anything be done or be permitted to be done that may be or become a nuisance or annoyance to the neighborhood.” (Covenants Article II, Paragraph 5)

**11. Lighting.** “No exterior lighting shall be directed outside the boundaries of a Lot or other parcel of the Properties.” (Covenants Article II, Paragraph 5)

**12. Signs.** “No sign of any kind larger than one foot square shall be displayed to the public view on any Lot, except for temporary signs of not more than four square feet advertising the said Lot for sale or rent.” (Covenants Article II, Paragraph 8) Normal sized political signs during the election season are acceptable per County Code.

**13. Front Yards.** “No baby carriages, toys, bicycles, or other articles of personal property shall be deposited, allowed, or permitted to remain on any common property or Lot overnight except in the enclosed rear area. The Association may impound all such articles and charge for their return.” (Covenants Article II, Paragraph 15) This includes furniture and grills left overnight in front yards as well.

**14. Railings, gutters, and downspouts** must be kept in good repair and replaced if missing. Railings do not have to be replaced if the stoop has only 1 riser.

**15. Enforcement.** If any violations of these guidelines occurs, and/or is not promptly remedied within thirty (30) days of formal notification of the nature of the violation as provided by law in VA Code 55-513, the Board of Directors can assess a fine of fifty (50) dollars for a single violation or ten (10) dollars per day for any violation of a continuing nature not to exceed ninety (90) days or \$900 per year.

**16. Effective Date.** These Guidelines will be effective as of June 7, 2017. Amended, June 7, 2017.

#### **DOCUMENT HISTORY**

<b>Amended Dates</b>	<b>Effective Date</b>
September 10, 2013	October 1, 2013
January 7, 2016	February 2, 2016
June 7, 2017	June 7, 2017