

# **HERITAGE SQUARE HOMES ASSOCIATION**

## **POLICY RESOLUTION 2017-01**

### **ARCHITECTURAL AND ENVIRONMENTAL GUIDELINES AND REGULATIONS**

WHEREAS, Heritage Square Homes Association (the “Association”) is a property owners’ association organized and operating pursuant to the Virginia Property Owners Association Act (the “Act”), the Virginia Nonstock Corporation Act (the “Nonstock Act”), the Association’s Declaration of Covenants, Condition and Restrictions (the “Declaration”) and Bylaws; and

WHEREAS, Article VI, Section 1(c), of the Bylaws assigns the Board of Directors (the “Board”) all powers, duties, and authorities vested in or delegated to the Association; and

WHEREAS, Article V of the Declaration provides for the establishment of an architectural committee (the “Architectural Review Committee” or “ARC”) which serves, in addition to the Board, and with the assistance of the property management company, to regulate the appearance of the Properties and Lots and which has standing to approve and/or deny requests for architectural changes, subject to the constraints set forth in Article V; and

WHEREAS, Section 55-515 of the Act requires that all Owners, as well as those entitled to occupy the Lot, shall comply with all lawful provisions of the Declaration; and

WHEREAS, the Board deems it necessary and desirable for the benefit and protection of the Association and of the individual Owners to establish architectural and environmental guidelines and regulations to ensure compliance by all Owners with the Act, the Declaration, the Bylaws, and the rules and regulations; and

WHEREAS, this Resolution supersedes any previous resolutions or policies regarding architectural and environmental guidelines and regulations.

NOW, THEREFORE, LET IT BE RESOLVED THAT the Board hereby adopts the following resolution governing architectural and environmental guidelines and regulations within the jurisdiction of the Association.

## **Table of Contents**

I. Introduction .....	3
II. Prohibited Items and Actions .....	4
III. Replacements, Additions, or Changes that Require Approval .....	4
IV. Completing and Submitting an Architectural Change Application .....	6
V. Timeframe for Approval; Right to Appeal .....	7
VI. Appearance Standards .....	7
VII. Use of the Common Area .....	11
VIII. Architectural Inspections .....	12

## **Appendices**

1. Fence Guidelines .....	13
2. Elevated Deck Guidelines .....	14
3. Storage Shed Guidelines .....	15
4. Approved Main Entry and Storm Door Styles .....	16
5. Approved Window and Patio Door Styles .....	17

## **I. Introduction**

Architectural and Environmental Guidelines and Regulations are designed to preserve the property values and the architectural and environmental integrity of the homes and of the Common Area within the Association. Enforcing the applicable portions of the Covenants to which Owners agreed when purchasing their homes, as well as enforcing the regulations contained in this resolution and otherwise applicable to the Lots, accomplishes this.

The authority and responsibility for maintaining the quality of design in the Association is founded in the Declaration. The Declaration is in the chain of title for all Lots in the Association and therefore applies to all homes in Heritage Square.

These regulations are in effect at all times and with respect to all Properties and Lots within the jurisdiction of the Association. New residents should familiarize themselves with these regulations to avoid the possibility of penalties. Non-resident Owners bear full responsibility for ensuring that their tenants are fully aware of, and are in compliance with, guidelines and restrictions set forth in this document.

The specific objectives of these regulations are, among other things, as follows:

- To increase Owners' awareness and understanding of the Covenants from which authority is granted for creating rules and use restrictions.
- To describe and illustrate design standards to assist Owners with plans to make exterior alterations and improvements to the house structure or yard that are in harmony with the community as a whole. Such changes are called architectural changes.
- To provide guidelines that may be used by the ARC and the Board in reviewing Owners' applications to make architectural changes.
- To assist Owners in preparing and submitting an acceptable application for architectural changes.
- To define the timelines for review of applications for architectural changes.
- To provide guidelines and minimum standards for the maintenance of home exteriors, yards, and the Common Area.

Non-compliance with the regulations and guidelines set forth in this document may result in the suspension of privileges and/or the assessment of monetary charges for violations as described in Policy Resolution 05-01: *Relating to Due Process and Special Resolutions* and/or such other enforcement action taken by the Board or ARC in its discretion.

## **II. Prohibited Items and Actions**

The following items and actions are prohibited:

- A. Placement of objects in windows or sliding door frames. Attaching, affixing to, or otherwise placing any equipment, such as air conditioners or fans, within any window frame or sliding door frame in any home within the jurisdiction of the Association.
- B. Installation of fixed or retractable awnings above windows or doors, except on the rear lower level and second floor deck at the rear of the house.
- C. Clotheslines.
- D. Erection of any building or other structure upon the rear portion of any lot such that it protrudes above the existing fence, nor attachment of any structure in any way to a common fence. Notwithstanding the foregoing, storage sheds and outdoor canopies are permitted, provided that construction thereof complies with the following guidelines:
  - Storage sheds must be constructed in accordance with the guidelines attached hereto as Appendix 3.
  - Outdoor canopies are permitted on the lower (ground) level from May 1 to September 30 only. Outdoor canopies must not attach to a common fence and must not intrude onto another Owner's property or onto the Common Area. Outdoor canopies are prohibited from October 1 through April 30, including both the canopy itself and any supporting framework.
- E. Signs and Placards. No sign of any kind may be displayed to the public view on any Lot, except security system signs, temporary real estate signs, or political campaign signs placed reasonably on the property in the two weeks immediately preceding an election.
- F. In-ground flagpoles or freestanding flagpoles greater than ten feet (10') in height.
- G. Planting of vegetable gardens in front or side yards.
- H. Planting of flower or vegetable gardens on the Common Area beyond the rear or side property line.
- I. Placement or storage of any items on the Common Area beyond the rear or side property line.

## **III. Replacements, Additions, or Changes That Require Approval**

All replacements, additions, or changes to the exterior of any house or Lot require approval of the ARC or Board before they are commenced. Actions requiring prior approval include, but are not limited to, the following:

- A. Replacement of windows. Approved styles are attached hereto as Appendix 5.
- B. Replacement of exterior doors to include front, side, or rear patio doors and storm doors. Approved styles are attached hereto as Appendices 4 and 5.
- C. Rear fence replacement. A copy of the property plat must be included with the application. Fence guidelines are attached hereto as Appendix 1.
- D. Siding replacement. Four-inch (4”) siding may be used instead of eight-inch (8”) siding when replacing the siding on homes. The color of the replacement siding must match or closely match the color of the original siding.
- E. Roof replacement when it involves a change in the color or style of the shingles or use of any material other than shingles.
- F. Building or modifying a second floor, backyard deck. Decks must conform to Fairfax County regulations and building codes as well as Association guidelines. Elevated deck guidelines are attached hereto as Appendix 2.
- G. Erection of any storage shed, fence, wall, or other structure upon any Lot. Storage sheds that protrude above the fence must comply with the guidelines attached hereto as Appendix 3.
- H. Installation of awnings.
- I. Painting, staining, or otherwise refinishing the exterior surface of any structure in a color other than the original or existing color. The term “structure” includes, but is not limited to, all fences, doors, shutters, trim, exterior walls, and siding.
  - Front (or main entry) doors, shutters, and bay window roofs must be painted the same color. The only permissible exception is that front doors may be painted white.
  - Storm doors must be white or match the approved color of the main entry door.
  - Patio doors must be white or color matched to the house siding.
- J. Painting the siding. When repainting the siding, the color must match or closely match the color of the original siding.
- K. Eave, trim, rake board, or soffit changes.
- L. Brick, stone, masonry, or other construction in front or side yards.
- M. Painting the brick or foundation including, but not limited to, the exposed rear masonry wall of the house.

N. Replacement of natural grass with mulch, stones, or other material.

O. Changes in grade of the front, side, or rear of any Lot.

P. Excavations or other work which in any way alters the exterior nature, character, or appearance of any home or Lot.

Some home improvements, including but not limited to building a second floor, backyard deck, with or without steps, require Fairfax County approval and/or permits. Such improvements require the approval of the ARC/Board as well as the County. Owners are responsible for obtaining the requisite approval and/or permits from both the County and the ARC/Board for any and all applicable improvements prior to commencement of work.

Owners are responsible for contacting “Miss Utility” (the Virginia Utility Protection Service) to determine the location of buried cables and/or pipes prior to any digging when constructing decks, fences, etc. The current telephone number for “Miss Utility” is 1-800-552-7001 or simply 811 (within Virginia). The County advises you to contact “Miss Utility” at least 48 hours in advance, excluding weekends and holidays, before starting any digging project.

#### **IV. Completing and Submitting an Architectural Change Application**

Printed architectural change application forms can be obtained from the current property management company.

The ARC will consider the individual merits of each application. The following items should be included in every application and submitted in duplicate:

- Site plan, detailing the size, shape, and location of improvement(s) to the home and/or Lot (including specific dimensions of improvement(s) and distances to adjoining Lots).
- Manufacturer’s brochure and/or pictures of the exact product to be installed, if applicable.
- Color samples, if applicable.
- Architectural plans/drawings (for major additions or improvements, such as a second floor, backyard deck).
- Grading plan, if the project involves changing the grading of any part of the Lot.
- Copy of the property plat, if applicable.
- Detailed, written description of improvements.
- List of building materials.
- Timeframe for the work (including start and completion dates).

Completeness is important. Submission of an architectural change application that includes insufficient detail will delay approval of the application. No application is considered as submitted until it includes all information and documentation required for consideration by the ARC.

Completed applications should be mailed, faxed, or emailed to the property management company, to the attention of the property manager.

All applications will be evaluated based on the standards of the community as set forth in the current guidelines and regulations. To the extent that there are architectural features, improvements, or conditions existing in the community that conform to prior guidelines and regulations, or which are otherwise non-conforming to current standards, those matters may be required to be brought into compliance with current guidelines and regulations in the future when said features, improvements, or conditions are replaced or remedied.

Owners should not start work or finalize contracts to perform work prior to receiving approval of their application. Starting work on a project prior to receipt of approval by the ARC could result in a requirement to stop work and restore the Lot to its original condition at the Owner's expense.

Once an application is approved, it must be followed as written. The ARC must approve any modification of an approved application.

## **V. Timeframe for Approval; Right to Appeal**

The ARC will provide written approval, or rationale as to why the architectural change application was not approved, within thirty (30) days after receipt of a completed application, along with all necessary supporting materials, by the property manager.

If the ARC requires more information than is provided in the application, the property manager will contact the Owner. The ARC will have an additional thirty (30) days from receipt of any supplemental information to respond to the application.

Notice of any disapproval of applications will be by first-class mail, return receipt requested. If the ARC does not approve an application, the Owner has the right to appeal the decision to the Board. The disapproval notice will advise the Owner of the reason for denial and of his or her right to appeal, and explain the process for filing an appeal.

Decisions disapproving an application will be sent via certified mail, return receipt requested. Owners must appeal the decision in writing within thirty (30) days of the date of the mailing.

## **VI. Appearance Standards**

Owners are responsible for the appropriate use and maintenance of the house and Lot. All Lots, and the structures located thereon, must be maintained in proper order, condition, and repair.

Use and maintenance affects the visual character and economic values of the property and neighborhood, as well as the safety and security thereof. Following are examples of standards for exterior maintenance. However, this list is not exhaustive, and the Board and ARC reserve the right to apply reasonable standards of acceptable Lot condition for any issue not listed herein.

#### **A. Concrete Steps and Walkways**

- Maintenance of concrete steps and lead walkways is the responsibility of the Owner.
- Visible cracks, gaps, and holes in, around, and under steps, porches, stoops, front walkways, and foundations must be filled or repaired.
- Skim coats are not an acceptable repair for surface damage or degradation.
- New concrete porches may be required if settling, cracking, or gapping is too severe.
- Loose or missing mortar work must be repaired.
- Concrete steps may not be painted nor covered with synthetic material (e.g., carpet or Astroturf).

#### **B. Railings**

- Wrought iron railings on front and side steps must be in good repair and kept securely mounted, free of rust, and painted at all times. Paint color must be either flat or glossy black.

#### **C. Front and Side Yards**

- The grounds maintenance company will mow and edge front and side lawns during the summer months.
- Owners are responsible for keeping front and side lawns in good condition, including removal of weeds, turf repair, and watering.
- Owners must keep flowerbeds in front and side yards free of dead plants, weeds, and debris.
- Vegetable gardens are not permitted in front and side yards.
- Artificial grass is not allowed in place of natural grass.
- Items such as bicycles, toys, garden tools, building or landscaping materials, trash cans, bags of trash, or recycling bins may not be left in front or side yards overnight.



- Garden hoses must be stored neatly (e.g., coiled) in front yards, near the faucet and next to the foundation.

#### **D. Trees, Bushes, and Hedges**

- Dead trees, bushes, and hedges must be removed or replaced.
- The grounds maintenance company will trim front hedges and bushes periodically unless they are requested not to do so by an individual Owner. Notices regarding hedge and bush trimming dates will be delivered to each home in advance of the trimming dates.
- Owners are responsible for trimming hedges and bushes between trimmings by the grounds maintenance company.
- Houses and fences must be kept free of climbing plants such as ivy or other vines.

#### **E. Fences and Gates**

- Fences and gates must be well maintained with gates fastened securely on hinges, no broken boards or railings, no detached or sagging fence panels, no bowed boards in fence panels or gates, no broken hardware, etc.
- Fences and gates must be left in natural wood tones. Fence guidelines are attached hereto as Appendix 1.
- Planting of flower or vegetable gardens and the storage of firewood behind rear fences is prohibited if the rear fence is at the rear property line.

#### **F. Backyards**

- Owners are responsible for maintaining their backyards free of debris and in good order. Grass must be kept mowed.

#### **G. Trash and Trash Containers**

- Trash containers, trash bags, recycling bins, building materials, or trash of any other kind may not be stored in front or side yards, regardless of whether they can be seen from the street.
- Owners are responsible for picking up litter on their Lots.
- Owners are requested to pick up debris on the portions of the Common Area adjacent to their Lots to help maintain the pleasant appearance of the community.

## **H. Second Floor Decks**

- Second floor decks must be well maintained with no broken boards or railings.
- Laundry or other household articles may not be hung on any part of the deck, steps, or support structure.
- Items such as tires, bicycles, ladders, couches, etc., may not be stored on second floor decks.
- Decks may be furnished with typical patio furniture, such as chairs, tables, umbrellas, and lounge chairs.

## **I. Paint**

- Exterior paint must be free of peeling, chipping, cracking, or stains.
- Front (or main entry) doors, shutters, and bay window roofs must be painted the same color. The only permissible exception is that front doors may be painted white.

## **J. Siding and Brickwork**

- Siding must be free of dirt, stains, mold, algae, and vines.
- Siding must be firmly affixed to the house.
- Siding repairs must be such that the new panels match the original panels in all respects including size, color, and style.
- Brickwork must be maintained in good repair and free from dirt. Loose or missing mortar work must be repaired.

## **K. Windows**

- Windows must be maintained in good repair with no broken or missing glass or torn screens.
- Windows must contain mullions (i.e., grids) as shown in Appendix 5.
- No objects may be placed in windows. Attaching, affixing to, or otherwise placing any equipment, such as air conditioners or fans, into window frames is prohibited.
- Bay window roofs must be painted the same color as the front (or main entry) door unless the door is white.

## **L. Shutters**

- Shutters must be firmly affixed to the house and maintained in good repair with no broken slats.
- Shutters must be painted the same color as the front (or main entry) door unless the door is white.

## **M. Roofs**

- Roofs must be well maintained and free of peeling, curling, chipping, cracking, or missing shingles.
- Flashing and ridge cap must be secure.

## **N. Rain Gutters and Downspouts**

- Rain gutters and downspouts must be firmly affixed, functional, and free of stains, mold, algae, and vines.

## **O. Holiday Lights and Decorations**

- Holiday lights and decorations may be displayed during holiday times but must be removed within seven (7) days after the holiday. This applies to both the front and rear of the house.

## **VII. Use of the Common Area**

It is the responsibility of each Owner to use the Common Area in a responsible manner. Any damage to the Common Area or to the property of others as a result of an Owner or of an Owner's children, pets, personal vehicles, guests, guests' vehicles, or contractors, will be the financial responsibility of that individual Owner.

Any equipment (e.g., recreational equipment) used in the Common Areas by Owners, tenants, or guests must be of a temporary nature, must be removed when not in use, and must be removed by dusk.

Planting of flower or vegetable gardens on the Common Area beyond the rear or side property line is prohibited. Likewise, placement or storage of any items on the Common Area beyond the rear or side property line is prohibited.

## **VIII. Architectural Inspections**

The property management company, in conjunction with the Board and/or ARC, carries out regular architectural inspections. Owners will be notified in writing of recommended and/or required repairs or changes resulting from the inspections.

## Appendix 1

### HERITAGE SQUARE HOMES ASSOCIATION FENCE GUIDELINES

- Posts must be four inches by four inches (4" x 4"). Posts must not exceed six feet (6') in height and must be spaced in sections not exceeding eight feet (8') in length. Gateposts may be up to six inches by six inches (6" x 6") for strength.
- Each section of fence must be supported by a minimum of two (2) two-inch by four-inch (2" x 4") pressure treated lumber runners. Three (3) runners are recommended for additional fence strength and longevity.
- Vertical boards must be one inch by six inches (1" x 6") and not exceed six feet (6') at the highest point.
- Fence style must be a Mount Vernon Dip. The dip must be six feet (6') at the posts and five feet six inches (5' 6") at the center between posts. *Measuring for the dip is important. The Mount Vernon Dip depth must be 5' 6" from the ground at its midpoint between fence posts. If it is cut too deeply, the fence will not meet the standard and the panel(s) will have to be replaced. The finished cut should be a gradual, smooth curve. If you are not sure what a Mount Vernon Dip looks like, or if you have any questions, please contact the property management company BEFORE you start.*
- Gates must have a reverse Mount Vernon Dip. The highest midpoint must not exceed six feet (6'), while height at the posts must be five feet six inches (5' 6"). Gates must not exceed four feet (4') in width.
- Double gates are not permitted. Pre-existing double gates must be replaced with a standard gate when the fence is replaced.
- All wood must be pressure treated Alkaline Copper Quaternary (ACQ) approved lumber and nails must be galvanized. It is recommended, but not required, that posts be equipped with simple aluminum or plastic post caps to help prevent excessive weathering that may require early replacement.
- New fences must not be stained or painted except with a clear preservative.
- When repairing fences that are stained red:
  - If one entire panel, gate, or side is replaced, do not paint or stain to match the older fence.
  - If the fence is in basically good condition and needs a single board or support repair, paint or stain the replaced fence boards to match the existing fence so that the fence does not have a "striped" appearance.

## **Appendix 2**

### **HERITAGE SQUARE HOMES ASSOCIATION ELEVATED DECK GUIDELINES**

The Architectural Review Committee must approve all elevated decks and associated steps prior to the start of any work. In preparing an architectural change application for an elevated deck, the Owner must indicate intent to conform to the following standards:

- All applicable Fairfax County permits must be obtained, and the design and construction must comply with all terms of the permits and applicable sections of Fairfax County Code and other laws and regulations of the County and of the Commonwealth of Virginia.
- No deck or steps of any shape or size (including ground level decks) may be built on the front or side of any Lot. No deck or steps may wrap around the sides of end-unit houses.
- Only pressure treated lumber or synthetic material may be used for the entire deck project. Synthetic material must be natural wood-grained in appearance.
- Wood may not be painted or stained. However, a clear sealer may be used.
- No part of the walking surface of the deck may extend more than 12 feet into the backyard from the rear of the house. All parts of the deck and support structure must be a minimum of six inches (6") in from each side of the house so as not to intrude into a neighboring Lot.
- If steps are part of the deck plan, no part of the steps may extend beyond the fence. The step banister supports and railings must be harmonious with the deck railing.
- All parts of the steps and supports must be constructed of the same type of pressure treated lumber or synthetic material of which the deck is constructed.

### **Appendix 3**

#### **HERITAGE SQUARE HOMES ASSOCIATION STORAGE SHED GUIDELINES**

Storage sheds that protrude above the fence must comply with the following regulations:

- There is a limit of one (1) shed per Lot. The shed must be located in a back/rear corner of the Lot. Sheds cannot be attached to the fence.
- Sheds cannot exceed eight feet by eight feet (8' x 8') in size (64 square feet total).
- Sheds cannot exceed eight feet (8') in height above ground level.
- Sheds must be constructed primarily of wood and/or wood composite materials. Plastic and metal sheds are not permitted. Sheds must be maintained in proper order, condition, and repair at all times.
- Roofing tiles may be used on the roof portion of sheds only (not on the sides). Roofing tiles must match or closely match those used on the house.
- Sheds must have a door that can be closed and latched.
- Sheds must be clear-coated, stained to match the fence and/or deck, or painted a color that matches the house.

## Appendix 4

### HERITAGE SQUARE HOMES ASSOCIATION APPROVED MAIN ENTRY AND STORM DOOR STYLES

Main entry doors must be of one of the styles shown in Figures 1 through 4 below. An acceptable alternate version of the door shown in Figure 1 is for the top two panels to be glass. Doors must be the same color as the shutters and bay window roof or alternatively may be white.

Storm doors are optional but must be one of the full view styles shown in Figures 5 and 6 below. Storm doors must be white or match the approved color of the main entry door.



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



## **Appendix 5**

### **HERITAGE SQUARE HOMES ASSOCIATION APPROVED WINDOW AND PATIO DOOR STYLES**

Windows must be of the double hung style and include mullions (i.e., grids) as shown in Figure 1 below.

Rear patio doors must be of the sliding style as shown in Figure 2 below. Mullions are optional. Patio doors may also be used with second floor decks. Patio doors must be white or color matched to the house siding.



Figure 1: Approved Window Style



Figure 2: Approved Patio Door Style

# HERITAGE SQUARE HOMES ASSOCIATION

## Resolutions Action Record

Resolution Type: Policy (No. 2017-01)

Pertaining to: Architectural and Environmental Guidelines and Regulations

Duly adopted at a meeting of the Board of Directors held on the 21<sup>st</sup> day of March, 2017.

Motion by: Richard Ferguson

Seconded by: Kathleen Eder

VOTE:

YES

NO

ABSTAIN

ABSENT

John Morrissey  
John Morrissey, President

✓

Richard Ferguson  
Richard Ferguson, Vice President

✓

Dee Caliqu  
Dee Caliqu, Secretary

✓

Garth Longdon  
Garth Longdon, Treasurer

✓

Kathleen Eder  
Kathleen Eder, Director

✓

Ondra Dukes  
Ondra Dukes, Director

✓

ATTEST:

Dee Caliqu  
Dee Caliqu, Secretary

Date: 3/21/17

Resolution effective on 4/21, 2017

FILE: Book of Minutes for 2017