



*Home Owners Association*

Architectural Review Committee  
Policy and Guidelines

Revised September 2007

# Hayden Village Architectural Standards

Revised September 2007

## Table of Contents

<b>Section I</b> .....	<b>4</b>
1. Introduction	
<i>Declaration of Covenants, Conditions, and Restrictions</i>	
<b>Section II</b> .....	<b>5</b>
1. Objectives	
<b>Section III</b> .....	<b>6</b>
1. Architectural Modifications Requiring Architectural Review Committee Approval	
<b>Section IV</b> .....	<b>7</b>
1. Architectural Submissions Format	
2. A Site Plan	
3. Material and Color	
4. Drawings and Photographs	
5. County Permits and Approvals	
6. Review Procedures	
7. Appeal of an Architectural Control Committee Decision	
<b>Section V</b> .....	<b>9</b>
1. Architectural Review Committee Review Criteria Validity of Concept	
2. Validity of Concept	
3. Design and Compatibility	
4. Location and Impact on Neighbors	
5. Scale	
6. Color	
7. Materials	
8. Workmanship	
9. Timing	
<b>Section VI</b> .....	<b>11</b>
1. Enforcement Procedures Right of Entry	
<b>Section VII</b> .....	<b>12</b>
1. Guidelines	
2. Amendments to the Architectural Review Committee Guidelines Fences	
3. Fences	
4. Storage Sheds	
5. Patios and Decks	
a. Townhomes	

- i. Decks
    - ii. Patios
  - b. Single Family Homes
    - i. Decks
    - ii. Patios
- 6. Trellises, Arbors, Privacy Screens
- 7. Storm and Screen Doors \Windows
  - c. Doors
  - d. Windows
- 8. Sun Control Devices
- 9. Recreation and Play Equipment
- 10. Major Exterior Changes
- 11. Antennas
- 12. Dog Houses and Runs
- 13. Exterior Decorative Objects
- 14. Outside Lighting and Electronic Insect Traps Exterior Painting
- 15. Exterior Painting
- 16. Flag Poles
- 17. Barbecue Grills
- 18. Compost Piles and Vegetable Gardens
- 19. Hot Tubs and Pools
- 20. Exterior Unit Air Conditioners
- 21. Clotheslines
- 22. Gutters and Down spouts
- 23. Attic Ventilators
- 24. Trash Cans
- 25. Firewood
- 26. Signs-Real Estate Sales, Rent and Miscellaneous Signs Solar Panels
- 27. Landscaping
- 28. In-Home Business
- 29. Bird Feeders

**Section VIII..... 20**

- 1. General Maintenance Guidelines
- 2. Exterior Appearance
- 3. Mowing
- 4. Trash Removal
- 5. Erosion Control

**Section IX..... 21**

- 1. Pet Control

**Section X ..... 22**

- 2. Vehicle Control
- 3. Recreational Vehicles

**Section XI..... 23**

- 1. Estoppel Certificate

## Section I

### 1. Introduction

All residents benefit from the planning and design that have been an important part to the development of our community.

The purpose of design controls is to assure that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community's overall environment. This booklet is designed to address exterior alterations made by homeowners to their property.

The authority for maintaining the quality of design in the community is founded in the *Declaration of Covenants, Conditions and Restrictions* that are a part of the deed to every property. The Covenants establish both a Homeowners Association and an Architectural Review Committee.

These Covenants are binding on all current and future homeowners. These Covenants should be fully understood by each homeowner.

Note that if these guidelines are in any way in conflict with the *Declaration of Covenants, Conditions and Restrictions*, the *Declaration of Covenants, Conditions, and Restrictions* will prevail. Thus, homeowners should use this document as a guideline, but should also be sufficiently familiar with the *Declaration of Covenants, Conditions, and Restrictions* as to avoid making exterior changes in conflict with the Covenants, Conditions, and Restrictions.

## Section II

### 1. Objectives

The overall objective of this document is to serve as a guide to both the members of the Architectural Review Committee and the homeowners in maintaining and enhancing a carefully designed environment. These guidelines and standards address improvements for which homeowners will most often submit applications to the Architectural Review Committee. They are not intended to be all inclusive or exclusive, but rather serve as a guide to what improvements may be made in the community. However, all exterior alterations identified in these guidelines must meet county requirements and require the advance approval of the Architectural Review Committee.

The specific objectives of this booklet are:

*-not intended to be all inclusive or exclusive but rather serve as a guide-*

- A) To assist homeowners in preparing an acceptable application to the Architectural Control Committee.
- B) To increase homeowner's awareness and understanding of the *Declarations of Covenants, Conditions, & Restrictions*.
- C) To describe the organization and procedures involved with the architectural standards established by the *Declaration of Covenants, Conditions, & Restrictions*.
- D) To illustrate basic design principles which will aid homeowners in developing exterior improvements that are in harmony with the immediate neighborhood and community as a whole.
- E) To provide uniform guidelines to be used by the Architectural Review Committee in reviewing applications consistent with the goals set forth in the Founding Documents of your community and the actions of the Board of Directors.

### **Section III**

#### **1. Architectural Modifications requiring Architectural Review Approval**

*Declaration of Covenants, Conditions, and Restrictions: Section 8, paragraph 8.2*

#### **All exterior alterations require the approval of the Architectural Review Committee:**

All improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work which in any way alters the exterior of any Lot, permanently or temporarily, or the exterior appearance of one's property must be approved, in advance, by the Architectural Review Committee. Once a plan is approved it must be followed as submitted, or the Architectural Review Committee must approve a modification, unless otherwise specified in this document.

Each application is reviewed on an individual basis.

The following items do not need to be submitted to the Architectural Review Committee as they have been deemed "automatic" approvals:

- a) Doors that are in compliance with the requirements of Section VII.
- b) Rear yard, ground level patios that are in compliance with the requirements of Section VII.
- c) Repainting or staining a specific object that matches its original color.
- d) Temporary flagpole staffs that do not exceed six (6) feet in length and are attached at an incline to the wall or pillar of the house or dwelling unit.

## **Section IV**

### **1. Architectural Submissions Format**

A sample of the form which must be used in applying for approvals is attached as Exhibit "A". Generally, the following items should be a part of every application.

### **2. Site Plan**

A site plan is most easily prepared by submitting a copy of the house location plat. Proposed changes should be indicated including dimensions and distances from property lines.

### **3. Material and Color**

Specify materials and provide samples of the colors to be used as well as an indication of the existing colors and materials. Where materials and/or colors are compatible but different from those of the existing structures samples of color chips should be submitted for clarity.

### **4. Drawings and Photographs**

A graphic description should be provided, and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. If appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's house, and in the case of attached houses, as they relate to adjacent houses. In any case, the sketch or photograph should be accompanied by a written description.

### **5. County Permits and Approval**

For all exterior modifications that require county permits and approval, a statement should be included in the application that county permits and approval will be obtained before work begins.

### **6. Review Procedures**

All applications for permanent or temporary modifications must be submitted to the Architectural Review Committee. The application will be reviewed for completeness. If the application is complete the review process may begin. If not, the application will be returned to the homeowner for additional information. According to the *Declaration of Covenants, Conditions, and Restrictions* Paragraph 8.4.2.(c) the Architectural Review Committee has forty-five (45) days to review a completed application. The decision of the Architectural Review Committee will be sent by letter to the applicant's address. The Architectural Review Committee will make every effort to respond to any request submitted to it within thirty (30) days from date received by the managing agent. The committee will also send a written response to all requests. The committee will meet as necessary to review applications within the forty-five day time Frame.

### **7. Appeal of an Architectural Review Committee Decision**

An appeal procedure exists in the event that a homeowner disagrees with the Architectural Review Committee's decision.

To initiate the appeals procedure, the applicants or other affected residents must submit a written request for an appeal within ten (10) calendar days of the applicant receiving the Architectural Review Committee decision. The appeal will be referred to the Board of Directors for review. ***An appeal must be submitted in writing within (10) ten days***

## **Section V**

### **1. Architectural Review Committee Review Criteria**

The Architectural Review Committee evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are taken into account during evaluation of particular design proposal.

The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating each application and design.

#### **2. Validity of Concept**

The basic idea must be sound and appropriate to its surroundings.

#### **3. Design Compatibility**

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining house, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

#### **4. Location and Impact on Neighbors**

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. All modifications are considered on a case by case basis. Architectural modifications approved for one property may not be suitable for all properties.

#### **5. Scale**

The size of the proposed alteration should relate well to adjacent structures and its surroundings.

#### **6. Color**

Color may be used to soften or intensify visual impact. The colors used should be the same as those used on the existing exterior.

#### **7. Materials**

Continuity is established by the use of the same or compatible materials as were used on the original house. The options may be limited somewhat by the design and materials of the original house.

Fences must be constructed with pressure-treated lumber. Decks must be constructed with pressure-treated lumber, natural wood-color composites, or other similar materials. The Architectural Review Committee reserves final approval authority.

#### **8. Workmanship**

Workmanship is another standard that is applied to all exterior alterations. The quality of work should be equal to or better than that of the community.

#### **9. Timing**

Projects are to be completed within Sixty (60) days from the date of initiation of the project; otherwise it could become a nuisance and safety hazard for neighbors and the community.

Storage of material should not be on common area. If damage is done to a neighbor's property, the owner is responsible for the repair or reimbursement to the owner of the property that was damaged. Storage and access must have neighbor's approval.

## Section VI

### 1. Enforcement Procedures

The following procedures will be taken by the Architectural Review Committee to enforce the rules and regulations as set forth in these guidelines:

- a. All owners and residents of Hayden Village shall comply with all the provisions of the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions, the by-laws and all rules and regulations. Failure to comply with all aforementioned documents shall be grounds for an action to recover damages, for injunctive relief, for suspension of recreational privileges, for suspension of voting rights, for foreclosure of liens, or any other legal or equitable relief deemed appropriate.
- b. In the event any rule or regulation of the Hayden Village Homeowners Association is violated, the owner shall be notified of the violation. First notice shall be by first class mail; subsequent notifications shall be by certified mail. Notice shall be sent to the address shown on the books of the Management Agent.
- c. If the owner is a non-resident, a copy of the violation notice shall also be sent to the tenant, at the unit address, by first class mail.
- d. The owner shall have the right to appeal any violation citation. The request for appeal must be submitted in writing, and received in the offices of the Management Agent within thirty (30) days of receipt of the violation notice.
- e. In any instance where the violation presents a health or safety hazard, the Management Agent may take immediate action, at the owner's risk and expense, to correct the violation. Notification to the owner of the action taken and the costs incurred will be made by certified mail, return receipt requested.
- f. In the event the owner does not bring the violation into compliance within thirty (30) days, or submit a request for appeal within thirty (30) days of the date receipt of the violation, the Board of Directors may proceed with enforcement procedures as indicated in Article VII of the *Declaration of Covenants, Conditions, & Restrictions*.

**Note:** Failure of the Architectural Review Committee to enforce any provision, covenant, restriction, or rule and regulation shall in no event be deemed a waiver of the right to do so thereafter.

#### **Right of Entry**

As stated in Article VIII, Section 1 of the *Declaration of Covenants, Conditions & Restrictions*, "There is hereby granted a blanket easement to the Association, its Directors, officers, agents and employees, to any manager employed by or on behalf of the Association, and to all police, fire, ambulance personnel and all similar persons to enter upon the Property in the exercise of the functions provided by this Declaration and the Articles, By-laws and rules of the Association in the event of emergencies and in performance of governmental functions."

## Section VII

### 1. Guidelines

It is the homeowner's responsibility to secure proper building permits and to ensure that plans conform to county guidelines. A statement to this effect shall be included in all applicable applications.

**-Contact "Miss Utility" before digging 1(800) 552-7001.** If you fail to contact Miss Utility and damage occurs, you will be liable for all costs of repair, even to Hayden Village Common Area.

The guidelines that follow address a broad range of exterior alterations for which homeowners frequently submit an application to the Architectural Review Committee. It would be impossible to address each specific design condition; as a result, these guidelines present the principle factors which should be considered when developing a design. More specifically, these guidelines define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative. As stated earlier, all projects are to be completed within sixty (60) days from date of initiation of project.

The individual merits of each application will always be considered by the Architectural Review Committee. The use of these guidelines should assist the homeowner in gaining timely Architectural Review Committee approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved.

These guidelines should in no way restrict the homeowner in the design of a well thought out alternative approach. Any alterations from guidelines must have approval of 2/3 of the committee.

### 2. Amendments to the Architectural Review Committee Guidelines

The Architectural Review Committee will try to conduct an annual evaluation to determine if the guidelines need to be amended. Any amendments must have unanimous approval of committee prior to presentation to the Board of Directors. It is anticipated that any changes would be primarily additive and would not involve substantive changes of the existing guidelines.

### 3. Fences

Fencing can be used to separate property, provide security, visual privacy, or to architecturally define space. In achieving anyone of these goals, a barrier is created which has both a visual and a physical impact on the boundaries of common land and properties of adjacent homeowners.

Fencing shall be in the rear lot and shall not extend past front corner of adjacent homes.

Fencing should be compatible with the applicant's house, but it should also be appropriate for its intended purpose.

Chain link fencing or wire fencing of any kind is not allowed.

Fences must follow the line of the property. Fences must be the same style as the builder has initiated, unpainted, and unstained pressure treated wood. Generally, fence height should be six (6) feet for townhouses and four (4) feet for detached homes. Townhouses shall utilize the board on board style fence installed by the builder.

Boarded or planked type fencing must be constructed with finished side facing outward from the enclosed yard so as to be aesthetically pleasing to surrounding properties.

Single family homeowners may install split rail fences.

#### **4. Storage Sheds**

Storage sheds can aesthetically affect both individual property and the neighborhood. As a result, all storage sheds should be compatible with both the architecture and landscape surrounding the house.

The shed should be designed to appear as part of the house/landscaping fence theme and may be part of a deck, Building materials must correspond to design theme, including color.

The shed must be designed to respect the "visual rights" and aesthetic interests of neighborhood properties. The aesthetic interests of the neighborhood shall always be of paramount importance when a shed is being considered by the Architectural Review Committee.

Applicants should review fence and shed design criteria with respect to visibility, privacy, and materials prior to design.

#### **5. Patios and Decks**

Patio and Deck location- Patios and decks should be located in rear yards. When patio or deck schemes include other exterior changes, such as fencing, lights, plantings, etc., other appropriate sections of these guidelines should be consulted prior to application.

##### **a. Townhomes**

###### *i. Decks*

All decks are to be of pressure treated wood, natural wood-color composites, or other similar materials. No solid partitions will be allowed. Applications must include a site plan showing size of deck, location as it relates to applicant's house, and a description of the details of railings, trellises, posts, stairs, steps, benches, etc. as required to clearly describe the proposal. Please include the height of deck off the ground. Second floor decks should be constructed far enough away from party walls to allow for any future repairs in that area which may become necessary. Painting decks is unacceptable. The Architectural Review Committee reserves final approval authority on all decks.

ii. *Patios*

Rear yard, ground level patios need not have Architectural Review Committee approval if it is contained within a 6 (six) foot privacy fence and gate.

**b. Single Family Homes**

i. *Decks*

All decks are to be of pressure treated wood, natural wood-color composites, or other similar materials. No solid partitions will be allowed. Applications must include a site plan showing size of deck, location as it relates to applicant's house, and a description of the details of railings, trellises, posts, stairs, steps, benches, etc. as required to clearly describe the proposal. Please include the height of deck off the ground. Decks may be stained a natural wood color, or a color stain may be used which matches the exterior house trim. Either choice must be submitted for approval. Additionally, changing the original stain color on an existing deck must also be approved. Painting decks is unacceptable. The Architectural Review Committee reserves final approval authority on all decks.

ii. *Patios*

All single family patios need Architectural Review Committee approval.

**6. Trellises, Arbors, Privacy Screens**

Lattice privacy screening on decks may be approved by the Architectural Review Committee if installed in conformance with the following criteria:

- a. Screening may not be installed as a tree standing wall or as a fence.
- b. Lattice work must be installed with framing.
- c. Lattice work must be incorporated as a part of the overall deck design and connected to the unit.
- d. Lattice work may not be installed in place of deck railing.
- e. No solid partitions will be allowed.

Any request of screening will be reviewed on a case by case basis and should be incorporated into the overall design of the deck or patio.

**7. Storm and Screen Doors \ Windows**

a. *Doors*

- i. Front storm doors must be full view or modified full view, straight forward, clear, unfrosted, uncolored glass and without ornamentation.
- ii. Storm or screen doors must be the same color as the entry door behind them or the surrounding wood trim. If these criteria are met, no approval is necessary.

a. *Windows*

- i. Storm and screen window frames must match the surrounding trim of the house.

**8. Sun Control Devices**

Awnings, trellises or other sun control devices must be approved by the Architectural Review Committee.

**9. Recreation and Play Equipment**

Homeowners often express interest in swing sets, basketball backboards, playhouses, etc. Most equipment of this sort is commercially available but is often less than pleasing in appearance. Creatively designed equipment is encouraged, the guidelines listed below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact. ***Portable equipment brought street side shall be stored out of sight when not in use.***

In general, all exterior play equipment must be placed in rear yards and shall minimize negative visual and physical impact to the community and be well maintained. Exterior play equipment shall be constructed primarily of wood or wood look materials which minimize maintenance requirements. Consideration must be given to lot size, equipment design and size, amount of visual screening, etc. All play equipment not within a fenced yard or extending above the height of a fence must be approved by the Architectural Review Committee

### **10. Major Exterior Changes**

Major alterations are generally considered to be those which substantially alter the existing structure either by subtraction and/or addition. Major building alterations include, but are not limited to, construction of porches, greenhouses, rooms, fireplaces, chimneys, other additions to a home, etc.

More specifically, the design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views, or amount of sunlight and natural ventilation's on adjacent properties. Pitched roofs must match the slope of the roof on the applicant's house. New windows and doors should match the type used in the applicant's house and should be located in manner which will relate well to the location of exterior openings in the existing house.

If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage. If an approved project results in an adverse impact upon drainage on adjoining properties or common ground, the homeowner making the change shall be responsible for correcting the problem.

Construction materials must be stored so that the impact on neighboring properties is minimized. Excess material shall be immediately removed after completion of construction.

### **11. Antennas**

Exterior antennas and satellite dishes larger than eighteen (18) inches are prohibited. Antennas and satellite dishes shall be located to minimize visual impact to the community. The aesthetic interests of the neighborhood shall always be of paramount importance when an antenna or a satellite dish is being considered by the Architectural Review Committee.

### **12. Dog Houses and Runs**

Dog houses (single family homes only) must be compatible with the applicant's house in color and material or match natural wood fence and must be located in rear yards where they will be visually unobtrusive.

### **13. Exterior Decorative Objects**

Exterior decorative objects, including but not limited to bird baths, wagon wheels, sculptures, fountains, ponds, stumps, driftwood piles, flower boxes, and free-standing poles of all types, are permitted in rear yards only.

### **14. Outside Lighting and Electronic Insect Traps**

Electronic lighting should be chosen so as not to light up any area beyond that of the applicant's property. Lighting shall not be allowed when it impacts any neighboring property. Cases of darkened common areas should be brought before the grounds committee. Electronic insect traps shall not be installed.

### **15. Exterior Painting**

Repainting or staining a specific object to match its original color need not be submitted.

Exterior paint changes in single family homes need to be submitted for approval and shall be limited to exterior paint combinations already existing in Hayden Village and shall not be identical to immediate neighbors on either side of the home to be painted. Townhomes are not to change exterior colors.

### **16. Flagpoles**

Homeowners wishing temporary flagpole staffs that do not exceed 6 (Six) feet in length and are attached at an incline to the wall or pillar of the house or dwelling unit need not have an application.

### **17. Barbecue Grills**

Barbecue grills should be placed in the rear of the house and as far as practical from the adjacent property lines.

### **18. Compost Piles and Vegetable Gardens**

Compost piles and vegetable gardens shall be allowed only when they do not negatively impact the neighborhood. They should be located to blend in with their location.

### **19. Hot Tubs/ Pools**

Plans for hot tubs must be submitted to the Architectural Review Committee. Copy of County approval should be submitted with detailed plans. Descriptions of trellises, privacy screening, etc. are requested for approval. All hot tubs must be completely enclosed. Homeowner is responsible to insure that all safety requirements are met.

Above ground pools are prohibited.

Kiddy pools are allowed in rear yards only and shall be stored out of sight when not in use.

## **20. Exterior Unit Air conditioners**

Window air conditioning units are prohibited.

Exterior ground units may be added or relocated to rear yards only when they do not interfere visually with neighbors.

## **21. Clotheslines**

Clotheslines are prohibited.

## **22. Gutters and Down spouts**

Gutters and down spouts must match those existing in color and design and must not adversely affect drainage on adjacent properties.

## **23. Attic Ventilators**

Attic ventilators or other mechanical devices requiring penetration of the roof should be as small in size as functionally possible and should match the roof or be mill finish. They should be located on the back side of the roof and not extend above the ridge line.

## **24. Trash Cans**

Containers shall not be placed for pick up before 7:00 PM on the evening prior to pick up. Trash must be in appropriate trash receptacles or must be in securely tied plastic bags and must be placed at curbside.

***At all other times trash containers are to be kept out of sight and as inconspicuous as possible.***

## **25. Firewood**

Firewood shall be kept neatly stacked, located in rear yard of residence, and must be kept within your lot.

- a. Under no circumstances is firewood to be stacked in the common area.
- b. Piles larger than 2 (two) cords require approval.
- c. Piles must not exceed than 6' (six feet) in length.
- d. Piles must not exceed 4' (four feet) in height for safety
- e. Firewood piles must contain firewood only, no storage of debris.
- f. Location should be in such a manner as to minimize visual or physical impact.

## **26. Signs**

### **1. Real Estate Sales \ Rent, and Miscellaneous**

- a. Real estate signs must meet County regulations with respect to size, content and removal.
- b. Signs may only be placed in the yard of the property available.
- c. All signs must be removed 48 (forty-eight) hours after contract acceptance.
- d. Real estate for sale signs will be permitted on common property only between Saturday 9:00 AM and Sunday 5:00 PM. Any sign standing beyond approved hours will be removed.
- e. All miscellaneous signs, including but not limited to yard sales, etc. must be put up no sooner than 24 (twenty four) hours prior to and taken down no later than 24 (twenty four) hours after the event.

2. No other signs, e.g. political, will be allowed on common areas.

## **27. Solar Panels**

Solar panels may be permitted, but must not significantly detract from the house or community appearance. All solar panels require approval of the Architectural Review Committee.

## **28. Landscaping**

Care should be exercised in the planting and maintenance of trees and shrubs on your lot to prevent obstruction of sight lines required for vehicular traffic. It is the responsibility of the homeowner to ensure that their lot is mowed and all gardens must be neatly maintained throughout the growing season; this includes removal of all unused stakes, trellises, and dead growth. Consideration should also be given to type of trees to be planted, specifically with regard to size of mature trees, and how the roots will affect water lines and underground cables, etc. If such plantings result in complaints by neighbors, the Architectural Review Committee will consider appropriate measures to resolve the problem. Applications, when required, should include a description of the types and sizes of shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings. ***If such plantings result in complaints by neighbors, the Architectural Review Committee will consider appropriate measures.***

**An application IS NOT REQUIRED for landscaping which meets all of the following conditions:**

- a. Located at the rear of the unit.
- b. Size does not exceed 10 (ten) feet by 10(ten) feet. Areas larger than this must be enclosed within a properly fenced yard.
- c. It does not damage property through the flow of water onto adjacent property.
- d. Foundation landscaping (within 4 (four) feet of the base of the unit) that meets all of the following conditions:
  - i. restricted to natural landscaping (i.e. plants, shrubs, and trees)
  - ii. railroad ties, garden timbers or other materials used to construct a border or retaining wall which does not exceed 18 (eighteen) inches in height and remain within 4 (four) feet of the foundation.

**An application IS REQUIRED for:**

- a. Rock gardens or rocks or collections of rocks exceeding 24 (twenty four) inches in any direction. All rocks shall be left their natural color.
- b. Any Landscaping or gardens that are not covered in the paragraphs above.

## **29. In-Home Businesses**

Fairfax County Article VI regulates in-home businesses. In addition to County control, the Association is concerned about the impact of in-home businesses on the residential character of the neighborhood and on adjacent neighbors. Therefore, customer oriented businesses are not allowed.

For Non-Customer oriented businesses, the following special requirements must be met.

- a. Permit obtained From Fairfax County.

- b. Copy of Permit on file with the Association's office.
- c. No sign or other advertising device of any nature shall be placed upon any lot.
- d. No exterior storage of business-related materials will be allowed.
- e. No commercial vehicles will be allowed.

Although the Association does not expressly prohibit in-home day care services, the above requirements must be met. Care should be taken so that this service does not cause an annoyance to neighbors or interfere with the rights of other homeowners relating to the "quiet enjoyment" of their property.

### **30. Bird Feeders**

Bird feeders are allowed at the wood line only. Bird feeders can attract rodents. Please keep them away From the homes. Bird feeders shall not be allowed on common property or on townhome properties.

## **Section VIII**

### **1. General Maintenance Guidelines**

Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety.

### **2. Exterior Appearance**

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, and fences. As required, the Architectural Review Committee shall suggest to the Board that be taken to ensure each homeowner property maintains the exterior appearance of the home.

### **3. Mowing/ Landscaping**

Turf areas need to be mowed at regular intervals, maintaining a maximum height of 6 (six) inches and a minimum of 2 (two) inches. Changes to this requirement may be made according to specified plans. Plant beds must be kept neat and orderly.

Tree branches, adjacent to sidewalks or common area paths, should be trimmed to six (6) feet in height at a minimum so that pedestrians are not impacted by them.

### **4. Trash Removal**

Each resident is responsible for picking up litter on his property and preventing windblown debris from originating on his land.

At no time is the Association Open Space considered a dumping ground for inorganic debris.

Organic debris such as leaves, grass clippings and branches may not be dumped in Open Space.

Please contact the management office for details on acceptable disposal of organic debris. Removal of trash and debris from all Association areas accumulating from resident usage will be completed as necessary. Remember that the removal of trash costs the Association dollars, and voluntary resident and Neighborhood cleanup, in addition to controlling litter at the source, saves everyone money.

### **5. Erosion Control**

Each resident is responsible for seeing that their lot area is protected from erosion and that storm drain structures are not blocked so as to cause additional erosion problems.

## **Section IX**

### **1. Pet Control**

As stated in Article VI, Section 6 of the Declaration of Covenants, "No horse, pony, cow, chicken, pig, hog, sheep, goat, or other domestic or wild animal shall be kept or maintained on any Lot. However, common households pets such as dogs and cats may be kept or maintained provided that they are not kept, bred, or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding lots or the neighborhood, and are in compliance with applicable Fairfax County ordinances." Specific rules and regulations governing pets have been adopted by the Board of Directors, they are as follows:

- a. The Board of Directors has extended permission to the Fairfax County Animal Warden to enforce all applicable portions of the County ordinance in regard to all animals and pets within the common areas.
- b. Owners and all other persons who are owners and/or custodians of pets shall not allow such pets to run at large in Hayden Village. A dog or cat shall be deemed to run at large while roaming, running or self-hunting or when not restrained by a dependable leash or controlled by a responsible person as defined by County Ordinance.
- c. All pets must have appropriate shots, licenses and tags as required by County Ordinance.
- d. Pet owners shall be responsible for immediate clean-up and proper disposal of pet wastes as required by County Code. Kitty litter shall be disposed of in a tightly sealed plastic bag and placed at curbside on normal trash collection days.
- e. Residents or guests who own pets shall ensure that their pets do not become a nuisance to other residents in the Community. Actions which may constitute a nuisance include, but are not limited to, barking, crying, scratching, or being hygienically offensive.
- f. Pets shall not be chained or leashed on any common area.
- g. Pet owners must respect the private property of others. Pets are not allowed to trespass on private lawns and should be walked in common areas only.
- h. Residents should report any violations of the above items to the County Animal Control at (703) 691-2131. Violation of item 4 may be reported to the Health Department at (703) 246-2411.
- i. Any other violations should be reported, in writing to the homeowners association management company with specific information as to name and address of violator, time and date, and description of pet.

## Section X

### 1. Vehicle Review

Specific rules and regulations regarding vehicles have been adopted by the Board of Directors. They are as follows:

- a. No unlicensed vehicles, including but not limited to motorized bicycles, motorcycles, mini-bikes go-carts, etc., shall be operated on or parked upon any common area of Hayden Village.
- b. Minor repairs begun on vehicles by an owner or his assigned agent, must be done in residents driveway. Major repairs (including but not limited to engine transmission, rear end overhaul) are prohibited outside of resident's garage.
- c. Dumping, disposal of leaks of oil, grease, or any other chemical, residual substances, or any substance or particles From holding tanks of vehicles of any type (as a result of the repair, maintenance, or carelessness) is not permitted on any areas. Disposal must also conform to environmental regulations.
- d. The dumping of motor oil and other petroleum products into the storm sewers is a direct violation of the State Water Control Law and may lead to civil penalties and clean-up costs to the responsible person(s).
- e. All motor vehicles shall not exceed the speed limit to 10 (ten) miles per hour while operated in common areas such as, townhome streets, and the pool area.
- f. All motor vehicles (including motorcycles) shall be operated in the paved parking lot areas only.
- g. All motor vehicles (including motorcycles) shall be parked in designated parking spaces only.
- h. The vehicle shall not be parked between two spaces, nor shall it be parked diagonally between one or more spaces. Parking spaces are not to be used for vehicle storage. Any vehicle which remains continuously in-place for more than 30 (thirty) days, shall be deemed as in storage. The Management Company shall notify owners of such vehicle(s) that they are required to be removed. Should the owner(s) not comply, the Board may authorize the Management company to tow the vehicle at the owner's expense and liability. Parking in the fire lanes and to the rear areas where access to other common areas is impeded is prohibited.
- i. Owners of vehicles will be held liable for all cost to repair damages to common areas caused by negligence, repair operations on vehicles, or storage of any combustible, dangerous or otherwise hazardous material on common areas (regardless of the type of container).
- j. Parking of motor vehicles with commercial lettering or intended for commercial use, including but not limited to vans, trucks, taxicabs, buses, or cars are **not allowed** in Hayden Village. Trucks weighing greater than one ton gross vehicle weight are prohibited in Hayden Village.
- k. Any un-licensed person is prohibited from operating any motor vehicle on common areas.
- l. All persons operating motor vehicles on common areas shall conform to all traffic control signs posted on the premises, and in accordance with the provisions of the traffic ordinances of the County of Fairfax and the State of Virginia.
- m. Operation of any motor vehicle in violation of the Code of Virginia, as amended, is prohibited.

- n. Consent is hereby given by the Board of Directors to all appropriate law enforcement officers who are hereby empowered to enforce all motor vehicle laws in the streets and common areas of Hayden Village.
- o. Vehicles parked on property must be in compliance with Commonwealth of Virginia and Fairfax county laws. Violations of this rule shall result in the posting of Notice on the vehicle directing removal of the vehicle or correction of the violation within 5 (five) days. All actions shall be coordinated with the Fairfax County Police Department in accordance with the applicable requirements of the Code of Virginia as amended.
- p. All vehicles parked on any area in public view must be maintained in an acceptable state of repair to meet the following conditions:
  - a) Powered vehicles must be maintained in an operative condition.
  - b) Tires supporting vehicles must be inflated at all times to within 10 (ten) PSI of the manufacturer recommended pressure so that they can be moved in the event of an emergency.
- q. The Board of Directors shall be empowered to have vehicles which are in violation and any vehicles as defined in the Code of Virginia, as amended, removed from the common areas, at the owners risk and expense, provided proper notification has been given to the owner.

## **2. Recreational Vehicles**

Recreational vehicles to include, but not limited to, motor homes, boats, travel or camping trailers, **shall not be kept** on any lot or in the common areas of parking areas.

## **Section XI**

### **1. Estoppel Certificate**

An Estoppel Certificate is required by the Architectural Review Committee and Virginia law to be completed and issued to your settlement attorney prior to the closing of the sale of your home. This certificate provides information on the current status of assessment payments and on the existence of any architectural violations. The Estoppel Certificate helps to protect the future buyer against unknown problems with past owner's architectural changes or past-due assessments. If everything is in order, it also protects the seller from potential law suits involving violations of the Covenants by subsequent owners.