

# RHYGATE HOMEOWNERS ASSOCIATION

## AMENDED AND RESTATED RESOLUTION NUMBER 7

### Policies relating to Architectural and Maintenance Requirements

Adopted January 10, 2012

Whereas, under Article VIII of the 1991 Amended and Restated Declaration of Covenants, Conditions and Restrictions for Rhygate and Article VII, section k, of the 1991 Amended and Restated Bylaws of Rhygate Homeowners Association, the Board of Directors shall cause, on behalf of the Association, the exterior of the dwellings be maintained.

Now, therefore, be it resolved that the following Architectural Control Guidelines and Maintenance Requirements are adopted.

#### **(1) Architectural Control Guidelines**

##### **(1.1) Purpose**

The attractiveness of Rhygate depends largely on the aesthetic qualities and appearance of its homes and grounds. Ensuring that Rhygate is an attractive and desirable community to live in should be a high priority for homeowners who are concerned about enhancing property values. The original construction and finish of the townhouses and the design of the landscaping was a professional effort that reflects a pleasant, integrated appearance. The Architectural Control Committee (ACC) and the RHA Board of Directors are responsible for ensuring that the appearance and aesthetics of the community are preserved (per article VII, (k) of the Amended and Restated Bylaws of Rhygate Homeowners Association).

##### **(1.2) Submissions**

Rhygate's Covenants prohibit any addition of any building, fence, wall or other structure, or any change or alteration to the exterior thereof, until the plans and specification for the addition, change or alteration have been submitted to and approved by the RHA Board of Directors. Prior approval is required for all of the additions, replacements or alterations of the matters covered by these Architectural Control Guidelines (including decks, windows, shutters, doors, roofing, mailboxes, outdoor lighting, painting, drainage, walkways, steps, walls, retaining walls, fences, alterations affecting drainage, landscaping, etc.), except as set forth in Section 1.3.9(1), below. The ACC meets on the first Tuesday of the month, and the application submission deadline is seven days before the meeting date. Applications not received by the deadline will be reviewed at the following meeting. **APPROVAL IS REQUIRED PRIOR TO COMMENCING CONSTRUCTION, SO PLEASE ALLOW ENOUGH LEAD TIME WHEN FILING YOUR APPLICATIONS.**

The Architectural Control Committee evaluates all submissions on the individual merits of the application. Besides evaluating a particular design proposal, the ACC considers the characteristics of the townhouse model, individual site, and effect upon neighboring dwellings or occupants. What may be acceptable exterior design in one instance may not be for another. Once a submission is approved by the committee it is then sent to the RHA Board for final approval.

### **(1.3) Design Criteria**

Design decisions made by the Architectural Control Committee in reviewing applications are not based on any individual's personal opinion or taste. Judgments of acceptable design are based on the following criteria which represent, in more specific terms, the general standards of the Covenants.

#### **(1) Validity of concept**

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

#### **(2) Design compatibility and harmony with overall community design**

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

#### **(3) Scale**

The size of improvements must be consistent in scale to the existing surroundings.

#### **(4) Color**

Homes should maintain traditional, historic colors on all exterior, painted surfaces. See Section 1.3.7.

#### **(5) Effect on neighboring properties**

The proposed change should be compatible with the neighborhood's overall architecture, site design, landscaping, topography, and existing character. Accommodation of access, sunlight, ventilation, view, noise, odors, trash, drainage, vehicular and pedestrian traffic, and the privacy and normal use of neighboring properties are primary considerations.

#### **(6) Workmanship and materials**

Long-term durability and appearance of proposed alterations are important considerations, and the quality of the workmanship and materials should be equal to or better than those originally used in the neighborhood. Construction methods and materials must comply with current industry standards and building codes.

## **(7) Timing of completion**

Approved projects must be completed within six months, otherwise approval expires. An extension may be requested, on a case-by-case basis.

## **(8) Neighbor notification**

Neighboring property may be affected by additions or alterations to your property. As such the opinions of neighbors will be considered by the ACC and the Board in acting on an application. As a means of communication about your proposal, you may be required to notify at least three nearest, reasonably available neighbors of your plans and have them acknowledge your notification by signing the application form. The neighbors' acknowledgment is neither an indication of their approval or disapproval of your application. An affected neighbor is defined as one who lives adjacent to the applicant or one who has a direct view of the proposed change. In the rare instance where an affected neighbor refuses to sign the application, annotate that fact and that neighbor's address on the form. The application form must be signed and dated by the applicant.

*RHA is not responsible for identifying any easement held by other agencies or organizations (such as utility companies) or any restrictions placed on those easements, Homeowners should consult the property deed and site plan for any easements (Including community easements) that might affect a planned addition or alteration. Homeowners are responsible for obtaining the proper permits to comply with county zoning and building ordinances; ACC and Board approval does not satisfy this requirement.*

### **(1.3.1) Decks**

1. The application for installation of a deck must include:
  - a. A completed drawing clearly showing the following:
    - A drawing of the proposed deck clearly showing the length and width of the deck.
    - The height of the deck above grade.
    - Dimensions of any other details that clearly describe the proposal.
    - Location and type of handrails.
    - Details of changes to windows and doors of the house, if applicable.
  - b. Site plan showing the size of the deck and location as it relates to the applicant's house, adjacent houses, and property lines.
  - c. Description of the materials and a sample of the color to be used.
  - d. Completed template drawings showing, at a minimum, topographical and frontal views with appropriate dimensions.
  - e. Indicate any trees or landscaping affected by the new construction.

2. Building permits are to be obtained from Fairfax County as required.

*Refer to Drawings A-1 and A-2 for a graphic depiction of the following design guidelines.*

3. Deck construction shall comply with all applicable codes.

4. Locate decks in the rear of the building.

5. Deck elevations are to be approximately level with the middle level of the house. Decks that extend from the top level of the townhouse are not permitted.

6. Maximum buildable area is determined by multiplying maximum buildable width by maximum buildable depth. Maximum buildable width is determined by subtracting one foot six inches from each side of the townhouse width. Maximum buildable depth is determined by adding eight feet zero inches from the exterior wall, not including the chimney.

7. No stairs from the deck are permitted, except for homes with no walkout basement. Approval will be on a case-by-case basis.

8. Privacy screens, screen walls and arbors are not permitted.

9. Latticework and screening below the deck are not permitted.

10. Awnings, overhangs or roof structures over decks are not permitted.

11. Deck top boards should be a durable and maintainable exterior grade natural wood product or synthetic material approved by the ACC.

12. Deck support columns shall be recessed 1'0" minimum from the face of the fascia board.

13. Deck support columns shall be decorative wrought iron, brick, steel or wood posts painted to a color approved by the ACC.

14. Provide black wrought iron handrail at perimeter of deck. Handrail shall meet all requirements of applicable codes.

15. Decks will not be used for storage other than patio furniture and barbecues.

16. Patios and decks will not be used for hanging garments or other articles or for cleaning rugs, household articles or other items.

17. Exterior deck lighting should not infringe beyond property lines. In no case shall the level of illumination be more than 1.0 foot-candle. (A foot-candle equals 1 lumen per square foot.

18. No lighting shall be permitted which shines directly onto adjacent properties or any public right-of-way.

19. Exterior lighting shall be installed so that in no case shall more than one-half foot-candle power of light five feet above ground cross a property line (as measured by a light meter meeting the American National Standards Institute requirements.)

20. Any deviation from these design guidelines must be clearly noted on the drawings and a written explanation why the applicable guideline cannot be followed must be included with the application.

21. Ground level deck designs and modifications to existing decks will be considered on a case-by-case basis.

## **(1.3.2)Windows**

### **(1.3.2.1) Primary Windows**

This section applies to the replacement of the original wood single-pane divided-lite windows with insulated glass windows, as well as the subsequent replacement of insulated glass windows.

1. Replacement double-hung divided-lite windows must match the home's original windows in size and appearance, with permanent, detachable, or between-the-glass muntins, which should be no wider than 5/8" to 3/4" to match the original windows. Muntins, sometimes also referred to as mullions, are the grids dividing the window into multiple small panes.
2. Replacement fixed bay windows likewise must match the home's original windows in size and appearance, with muntins defining the same number, size and shape of panes. Muntins may be detachable, permanent, or between-the-glass. They should be no wider than 5/8" to 3/4" to match the original windows.
3. There are several styles of bay windows originally installed in some Rhygate homes. Any proposed change in style or appearance requires ACC review and Board approval.
4. Frames and muntins of replacement windows may be wood (painted, vinyl-clad or aluminum-clad on the exterior side) or all-vinyl. All exterior areas of window frames and muntins must be white or painted to match the house trim color.
5. Glass must be clear, i.e. no color, etching or decoration is allowed.
6. Casement, awning, sliding, or other window types than double-hung or fixed, are not allowed, unless a home's original window was the same type.
7. Security bars are not permitted.

### **1.3.2.2) Storm Windows**

1. Storm windows may be installed over uninsulated primary windows.
2. Exterior storm windows should be the multiple-track type with or without insect screen.
3. Frames must be white or painted to match the house trim color. Mill finish aluminum is not allowed.
4. Glass must be clear, i.e., no color, etching or decoration is allowed.
5. Security bars are not permitted.

### **(1.3.3) Shutters**

1. Shutters are to be the length of the existing window opening and to measure not less than 15 ¾" to 16" wide
2. Two styles of shutters are permissible: two-panel solid shutters, and louvered shutters. (Solid shutters were used on the homes built by Carr, and louvered shutters on the homes built by Carfritz.) All shutters on a house must be the same style.
3. Shutters may be constructed of painted wood like the originals, or of fiberglass or vinyl.
4. If shutter dogs are installed, they must be black wrought iron.

### **(1.3.4) Doors**

#### **(1.3.4.1) Front Doors**

1. Front doors must meet one of the following criteria:
  - a. Solid six-panel door (not windows).
  - b. Four-panel door with small rectangular windows across the top
  - c. Four-panel door with fanlight at the top.
2. Windows or fanlight, if any, must be clear glass, with no etching or design. Muntins in windows or fanlight should be painted or stained to match the door color.
3. Mail slots are preferred.

4. Hardware (doorknob, handle, mail slot, door knocker, etc.) must be brass, nickel or bronze.

### **(1.3.4.2) French Doors**

1. Replacement French doors must match the original doors in size and appearance, with detachable, permanent, or between-the-glass muntins, which should be no wider than 1 ¼" to match the original doors.
2. Sliding double doors, with or without muntins, are not allowed unless a home's original doors were the same type.
3. Hardware (doorknob, handle, etc.) must be brass, nickel, or bronze finish.

### **(1.3.4.3) Storm/Screen Doors**

1. Storm doors must be full view (i.e., without crossbars or muntins) with clear, uncolored glass. Glass cannot have ornamentation such as etching, frosting, metal filigree, etc. Self-storing screen doors are not permitted on the front of the house, but are permissible on the rear.
2. A brass kick plate is permitted at the bottom of the door, provided it extends no higher than 8 inches.
3. Security bars are not permitted.
4. Doors must be the same color as the entry door or must match the surrounding trim of the house.
5. Hardware (doorknob, handle, locks, kick plates, etc.) must be brass, nickel, or bronze finish.

### **(1.3.4) Roofing**

Most Rhygate homes are roofed with asphalt shingles, although several have sheet metal roofs. Asphalt roofs show their age when the mineral granules wear off and black asphalt shows through. Other than an obvious leak, if the corners and edges of the shingles are beginning to crack, curl, and/or "bubble up", this indicates the roof is deteriorating.

1. Replacement roofing should retain the same color as the old roofing, or black, or an earth tone not in conflict with other homes in the community, and not duplicating the immediately adjacent homes.
2. The best guide to the choice of roofing materials permitted in Rhygate is existing roofs in the community. Two types of asphalt shingles are in general use: traditional *three-tab* (most common) and *dimensional*, which conveys a slate-like appearance.
3. Stone slate, wood shakes, and mitered or otherwise contoured asphalt shingles are not permitted.
4. If snow dogs are to be installed, they should be black wrought iron.

### **(1.3.5) Mailboxes**

All homes in Rhygate came with mail slots in the front doors. Some residents have opted to install an exterior mailbox. The guidelines below apply to exterior mailboxes.

1. All exterior mailboxes must meet postal regulations in design and location.
2. Mailboxes should be the types which mount on the brick wall to the left or right of the front door. Mailboxes which attach to the railing near the front door are not encouraged.
3. Mailboxes should not exceed 100 square inches in frontal area (width times height).
4. Mailboxes should be black, brass, or bronze, without ornamentation.
5. Mailboxes on posts, whether near the sidewalk or close to the house, are not permitted.

### **(1.3.6) Lighting (Outdoor)**

1. Front illumination
  - a. Lantern-style fixtures (front door) are encouraged, in black, brass or bronze finish.
  - b. Fixtures must utilize incandescent bulbs, no more than 100 total watts, clear or frosted.
  - c. Fluorescent, halogen or halide bulbs are not permitted.
  - d. Motion-activated security lighting exceeding these specifications may be permissible on a case-by-case basis.



2. Rear illumination
  - a. Same as front, except that yellow bulbs (to repel insects) are permitted.
3. Landscape illumination
  - a. Low-voltage landscape lighting located along a walkway is permitted.
  - b. The fixtures must be no taller than 18 inches, and the light must project downward only.
  - c. Matte black is the preferred finish for such lamps.
4. Holiday/Seasonal/Special Occasions
  - a. DEFINITIONS: A holiday decoration is any decoration that is themed for or related to a specific holiday that is recognized on any calendar, including lights. The BoD has elected not to require an application process with respect to any holiday decorations that any resident may wish to display on their Lot, as the BoD considers these types of external appearance alterations to be minor and temporary, so long as the resident and decorations adhere to these rules.
  - b. SIZE & STYLE: Holiday decorations need to be unobtrusive and in harmony with the architecture and style of Rhygate. Living in attached homes means that our choices for decorations can positively or negatively impact our neighbors – lets be courteous and have our impact be positive not an annoyance! All decorations must be temporary and cannot be permanently installed.
    - No inflatable decorations of any size are permitted. Decorations that depict the seasonable celebration should be non-offensive, unobtrusive, and not exceed 5 feet in height and depth, nor exceed 6 feet in length. Celebratory signs such as signs for graduations and congratulations should conform to the same limitations as decorations for seasonal celebrations.
  - c. TIMING: Lights and decorations need to be temporarily displayed and removed. In general, ALL Holiday decorations or Special Occasion decorations should not be put up earlier than three weeks before the Holiday/Special Occasion and should be removed as soon as practicable but no later than two weeks after the Holiday or Special Occasion. Any decorations kept up longer than this period shall be subject to removal by the Association following a courtesy notice to the resident. The cost of any such removal and disposal shall be assessed against the Owner.
  - d. COLOR & BRIGHTNESS: Lighting should be subtle and not blinding in the effect. Warm whites and yellows are preferred. Lighting cannot blink, flash or have a blinding effect on the surroundings. No projected lights or scenes are permitted on the exterior of the Lots. Lighting may not be directed onto any neighboring property.
  - e. NOISE: Music and sound effects are strongly discouraged out of courtesy to your neighbors; however, if low level noise and sound is used it should not continue past 10 PM.
  - f. DECENCY: Residents should use good taste and mature judgment when decorating their Lot. Holiday decorations shouldn't be in any way offensive or inappropriate, AND any disrespectful, derogatory, violent, or inappropriate decorations ARE PROHIBITED. If a holiday decoration receives one or more written complaints, or becomes unsanitary or offensive to other residents, the BoD reserves the right to require immediate removal upon written notice to the Lot Owner. Expenses related to damage caused by holiday decorations or other items placed in the limited or common elements (water damage, paint damage, etc.) may be billed back the Unit responsible for the installation.

### **(1.3.7) Paint Colors**

1. The ACC will act on requests for exterior paint projects with the goal of preserving the architectural and color harmony of the neighboring homes and the community. Consistency and compatibility with existing color schemes will be the principal guides for the ACC. Color information will be kept on file by the ACC.
2. Colors generally approved in past ACC decisions have been characterized as “colonial,” “Williamsburg,” or “historical” and most paint manufacturers produce a line so identified. Examples and their palette names include Pratt & Lambert’s *Williamsburg*; Martin Senour’s *Williamsburg*; Valspar’s *National Trust Historic Colors* (Lowe’s); Behr’s *Historical-Colonial* (Home Depot); Benjamin Moore’s *Historical*; Sherwin Williams’ *Classical-Colonial*; Pittsburgh’s *Historic-Colonial*; and Duron’s *Colors of Historic Charleston*.
3. Wrought iron railings and gates are to be painted black wherever they are used, such as steps and walk, balconies, decks, and fences.
4. Brick surfaces of homes that were not painted by the builder are to remain unpainted.
5. A manufacturer’s paint chip, or the formula in the case of custom colors, is to be included with the application for each color to be used. This information will be retained in ACC files for reference.

### **(1.3.8) Drainage**

1. This section applies to any improvements that are intended to affect drainage from an owner’s property, including additions or alterations that carry rain water away from dwellings (e.g., pipes or tubing that extend from gutter downspouts; drainage channels) and additions or alterations of sump pump systems. Proposed additions or alterations of drainage systems will be reviewed

with respect to appearance and potential effect on neighboring properties. Because the contours of Rhygate lots vary, each proposal will be reviewed individually; what may be acceptable for some lots might not be acceptable for others.

2. With respect to drainage systems in the front of homes (and, for end units, from other locations visible from the street), pipes or tubing extending from gutter downspouts or sump pumps will generally be required to run underground until the water is carried to the street gutters or sidewalks or to another location away from neighboring properties. Pop-up emitter valves may be required if the discharge will be at or near sidewalks. Drainage systems in the rear of houses may or may not be required to run underground, depending on feasibility and appearance.
3. Because drainage systems may affect neighboring properties, applicants may be required to notify neighbors of drainage proposals, as provided in Section 1.3(8) above, and comments by neighbors will be taken into account by the ACC and Board of Directors.

### **(1.3.9) Landscaping**

1. Rhygate's covenants prohibit homeowners from regrading any Lot and/or from erecting or maintaining any building, fence (including ornamental hedges), walls or other structures, or any addition to any building, or any exterior change or alteration thereof, until the plans and specifications have been submitted to and approved by the Board of Directors.
  - a. With respect to landscaping, applications for prior approval shall be required when the proposed addition or alteration includes:
    - i. Fences or party walls;
    - ii. A change to the existing physical contours of the Lot, such as an addition or alteration of retaining walls, terracing, sloping, or raised or sunken beds;
    - iii. Hardscaping, including additions or alterations of patios, porches, steps, or walkways;
    - iv. Additions or changes that might affect an easement; and
    - v. Any other landscaping additions or alterations that do not comply with the guidelines set forth in paragraphs 1.3.9(2-5) and/or sections 1.3.9.1 through 1.3.9.3, below.
  - b. Prior approval shall not be required for:
    - i. Additions of or changes to plantings of shrubbery, flowers, or ornamental trees, provided that (i) the plantings do not include items covered in paragraph 1.3.9(1.a), above; and (ii) the plantings comply with the limitations and requirements of this section 1.3.9 and sections 1.3.9.1 through 1.3.9.3; and (iii) the plantings are maintained in accordance with the maintenance standards established by the Board of Directors; and

- ii. Mere repairs of breaks, cracks or loose materials in existing fences, retaining walls, patios, porches, steps or walkways so long as (i) the size or configuration of the structure is not altered; (ii) the materials used in the repair exactly match the materials in the existing structure; and (iii) the repairs comply in all other respects with the requirements of this section 1.3.9 and sections 1.3.9.1 through 1.3.9.3; provided, however, that if the repair includes painting or staining of any item, or any other change in the color of an item, an application to the Board of Directors shall be required.
2. Retaining walls (stone, brick, etc.) in the front or side yard should only be considered to solve drainage problems and achieve a more level landscape area. Care must be taken to ensure that any resulting change in drainage does not adversely affect either the home or the adjacent homes. Because these walls can have a significant effect on the aesthetic qualities and the appearance of the community, they are a special concern of the ACC and the RHA Board.
3. In the choice of materials for planting, consideration should be given to ultimate plant size, soil conditions, available space and possible hindrance to efficient lawn maintenance. Also, underground utility lines and drains are factors in determining the location and type of plantings.
4. Sugar maple (*Acer saccharum*), Norway maple (*Acer platanoides*), and Red maple (*Acer rubrum*) are not approved for planting within a homeowner's property. These trees have a spreading root system that grows close to the surface, and are very destructive to lawns, sidewalks, walls, and house foundations. In addition, sycamore, hybrid poplar, southern magnolia, Bradford pear, and flowering crabapple have undesirable characteristics which render them unsuitable for planting in the Rhygate community. Ivy is discouraged because it may harbor undesirable wildlife and can easily grow out of control. It may also spread to the surrounding wooded areas where it can blanket and kill mature trees. Bamboo, wisteria, and kudzu are prohibited.
5. Trees, shrubbery, ground cover, or other vegetation must not encroach on sidewalks, neighbors' property, easements, or common areas.

### **(1.3.9.1) Decorative Objects**

1. Decorative objects in the front or side yard must be appropriate to the architectural style of the home and the community. Examples of such objects include (but are not limited to) bird baths, bird houses, garden decorations, rock or driftwood, statuary, and garden sculpture.
2. Such objects in the rear yard must not exceed the height of the surrounding fence or wall, to minimize their visibility from adjacent homes and streets.

3. The ACC will evaluate all exterior decorative objects in terms of design, execution and general appropriateness in order to prevent such objects from having a significant negative impact on adjoining homes, the neighborhood setting, and the Rhygate community at large.
  
5. Holiday/Seasonal/Special Occasions
  - a. DEFINITIONS: A holiday decoration is any decoration that is themed for or related to a specific holiday that is recognized on any calendar, including lights. The BoD has elected not to require an application process with respect to any holiday decorations that any resident may wish to display on their Lot, as the BoD considers these types of external appearance alterations to be minor and temporary, so long as the resident and decorations adhere to these rules.
  - b. SIZE & STYLE: Holiday decorations need to be unobtrusive and in harmony with the architecture and style of Rhygate. Living in attached homes means that our choices for decorations can positively or negatively impact our neighbors – lets be courteous and have our impact be positive not an annoyance! All decorations must be temporary and cannot be permanently installed.
    - No inflatable decorations of any size are permitted. Decorations that depict the seasonable celebration should be non-offensive, unobtrusive, and not exceed 5 feet in height and depth, nor exceed 6 feet in length. Celebratory signs such as signs for graduations and congratulations should conform to the same limitations as decorations for seasonal celebrations.
  - c. TIMING: Lights and decorations need to be temporarily displayed and removed. In general, ALL Holiday decorations or Special Occasion decorations should not be put up earlier than three weeks before the Holiday/Special Occasion and should be removed as soon as practicable but no later than two weeks after the Holiday or Special Occasion. Any decorations kept up longer than this period shall be subject to removal by the Association following a courtesy notice to the resident. The cost of any such removal and disposal shall be assessed against the Owner.
  - d. COLOR & BRIGHTNESS: Lighting should be subtle and not blinding in the effect. Warm whites and yellows are preferred. Lighting cannot blink, flash or have a blinding effect on the surroundings. No projected lights or scenes are permitted on the exterior of the Lots. Lighting may not be directed onto any neighboring property.
  - e. NOISE: Music and sound effects are strongly discouraged out of courtesy to your neighbors; however, if low level noise and sound is used it should not continue past 10 PM.
  - f. DECENCY: Residents should use good taste and mature judgment when decorating their Lot. Holiday decorations shouldn't be in any way offensive or inappropriate, AND any disrespectful, derogatory, violent, or inappropriate decorations ARE PROHIBITED. If a holiday decoration receives one or more written complaints, or becomes unsanitary or offensive to other residents, the BoD reserves the right to require immediate removal upon written notice to the Lot Owner. Expenses related to damage caused by holiday decorations or other items placed in the limited or common elements (water damage, paint damage, etc.) may be billed back the Unit responsible for the installation.

### **(1.3.9.2) Front Steps & Walks**

1. The material used to correct problems with the front steps (“stoop”) or walks should be the same as the existing material, except where the original concrete stoop or walk remains. In this case, the Board recommends consideration of traditional brick over the concrete.
2. Pavers (interlocking shaped brick or concrete material) or other types of stone materials are not permitted on front steps or walks.

### **(1.3.9.3) Walls & Fences**

1. Any repair to an existing fence should be of the same material as the original fence.
2. Wood fences may not be painted, but preservatives may be applied.
3. Wrought iron is the preferred material for gates in brick walls.
4. A request to the ACC for a new fence (wood, brick or combination brick/wrought iron) must include a site plan that clearly shows the relationship of the fence to adjacent homes and/or fences, property lines, easements, etc.

### **(1.3.10) Play Equipment**

1. Installation of any small semi-permanent children's play equipment, such as small sandboxes, plastic playhouses, swings, and slides does not require an ACC application and BOD approval, provided that such equipment is **NOT ANCHORED DOWN**, is easily removed, and is contained within the back yard privacy fence and every reasonable effort has been made to shield such equipment from view. If any equipment needs to be anchored down, BOD approval must be obtained prior to installation.
2. All play equipment **MUST** be contained within the back yard privacy fence. If the equipment extends above the height of the fence or is not contained within a backyard privacy fence an **ACC application must** be submitted **and BOD approval must** be obtained prior to installation. The application for such equipment must include either a manufacturer's sales brochure or a detailed sketch of the proposed equipment or structure.
3. All play equipment must be maintained and kept in good repair within the back yard. Any play equipment not maintained or kept in good repair must be removed.

### **(1.3.11) Solar Energy Collection Devices**

#### **(See Resolution 13)**

1. Definitions

- a. Solar Energy Collection Device: any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus.
  - b. Solar Shingles: any Solar Energy Collection Device designed to appear as shingles integrated into the roof structure as part of the roof rather than as a separate component resting on, or attached to, the roof.
2. TYPES OF SOLAR DEVICES: Solar Devices are permitted only in the form of solar shingles designed to appear as shingles integrated as part of the roof rather than as a separate component resting on, or attached to, the roof (“Solar Shingles”). Any Solar Device which is not a Solar Shingle, shall not be permitted.
3. APPLICATION FOR INSTALLATION: Prior to the placement of any solar energy collection device (“Solar Device” or “Device”) upon a Lot, an Owner must submit a written application to the Architectural Review Committee for approval of their proposed Device.
  - a. All applications must meet the application requirements established the then-current Resolution Number 7, including complete plans and specifications showing the location, nature, shape, height, material, color, type of construction and any other proposed form of change.
  - b. If an Owner submits an application to the Architectural Control Committee (“ACC”) for approval of the Solar Device, the ACC will issue a ruling on the application in accordance with the then-current Resolution Number 7. Once an application is approved by the ACC, it is then sent to the Board for final approval.
4. Installation:
  - a. No Owner may install a Solar Device in the Common Area or on any property owned by the Association.
  - b. Except as otherwise provided herein, Owners are prohibited from installing a Solar Device which in any way, shape or form encroaches upon any Common Area (including Common Area air space) or any other Lot.
5. Installation – Size, Placement and Manner
  - a. Solar Shingles shall not be larger than, or installed at an elevation higher than, is absolutely necessary for their intended purpose.
  - b. Solar Shingles shall be installed and secured in a manner so that visibility from the streets is minimized and so that they blend into the surroundings as much as possible.
  - c. Solar Shingles shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer’s instructions. Prior to installation, Owners shall provide the Association with a copy of the applicable governmental permit if it is required for safety reasons.
  - d. Solar Shingles shall not be placed anywhere near a power line. Owners must ensure that the wind velocity or other forces could not cause the Solar Shingles to collide with power lines.
  - e. Solar Shingles must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person near the Solar Shingles.
6. Maintenance
  - a. Owners who install or maintain Solar Shingles are responsible for all associated costs, including, but not limited to, the costs to:

- i. Place (or replace), repair, maintain, and move or remove Solar Shingles ;
      - ii. Repair damage to any property caused by an Owner's failure to properly install, maintain, or use the Solar Shingles.
    - b. Pay medical expenses incurred by persons injured by Solar Shingle installation, maintenance, or use.
    - c. Reimburse residents or the Association for costs incurred to correct damage caused by the Owner's failure to properly install, maintain or use the Solar Shingles.
    - d. Owners shall have a continuing duty to prevent their Solar Shingles from falling into a state of disrepair.
      - i. Owners shall be responsible for Solar Shingle maintenance, repair and replacement, and the correction of any safety hazard.
      - ii. If Solar Shingles become detached, Owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens anyone's safety, the Association may remove the Solar Shingle(s) at the expense of the Owner.
7. Solar shingle camouflaging
- a. Solar Shingles must blend in with the shingles and/or surroundings of the dwelling unit, so as to be reasonably compatible with the surrounding dwelling units.
  - b. Any new shingles installed by the Owner must properly blend in with the existing Solar Shingles. The Association reserves the right to require Owners to replace the shingles of the dwelling unit to match the color of the Solar Device installed.
  - c. Owners must install exterior wiring for the Solar Shingles in the least obtrusive manner.
8. Solar shingle removal: If an Owner removes their Solar Shingles, the Owner is required to restore the location of the installation to its original condition. Owners shall be responsible for all costs relating to restoration of this location.
9. Insurance: The Association shall not accept any responsibility to insure any Solar Shingle installed by an Owner. The Solar Shingles shall be considered the personal property of the Owner who installed the Solar Shingles.
10. Enforcement
- a. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of rules violation assessments, subject to the due process procedures set forth in Virginia Code Section 55.1-1819.

**b. If any Solar Shingle installation poses a serious, immediate safety hazard or threat to property, the Association reserves the authority to enter upon the Lot and take such steps as may be necessary to remove the Solar Device upon advance written notice to the Owner of the Board's concerns for safety and its request of the Owner to remove, relocate, or re-secure the Solar Shingle.(1.4)**

### **Compliance**

The Covenants require the RHA Board to ensure compliance by all lot owners with these architectural guidelines. The following enforcement procedures have been adopted by the Board:



1. The sources for reporting violations will be as follows:
  - a. Any concerned residents
  - b. Members of the ACC and/or Board of Directors
2. Violations consist of:
  - a. Modifications completed or commenced without ACC and Board approval, and
  - b. Modifications completed in a manner not consistent with approved plans.
3. All violations will be confirmed by a site visit by the Architectural Control Chairman.
4. The owner will be contacted, in person or in writing, as soon as possible concerning the violation.
5. After a fourteen (14) day period with no reply or remedy from the owner, a notice will be sent by the Board by certified mail informing the resident of the time and place of a hearing by RHA Board on the case.
6. If the case is not resolved during the hearing it may be referred to the RHA attorneys for legal action.
7. Rhygate Homeowners Association Resolution No. 4, "Due Process Procedures" is applicable to unresolved architectural issues.

## **(2) Maintenance Requirements**

Homeowners are responsible for the proper maintenance and repair of all structures located on their lots as well as maintenance of the grounds. Proper maintenance includes, but is not limited to, mowing lawns on a regular basis, removing trash, and structural maintenance and repair.

Examples of items that would be considered violations of the maintenance requirements are:

- Peeling exterior paint.
- Fences with broken or missing parts.
- Storage sheds with broken doors or in need of repainting or repairs.
- Decks with missing or broken steps/railings or otherwise in need of repair.
- Shrubby, ivy and vegetation encroaching on sidewalks, common areas, other neighbors' properties, or easements.
- Loose, broken, or damaged gutters and downspouts. Gutters and downspouts must be in good repair.
- Concrete sidewalks and steps that are cracked, in disrepair, or have been modified without approval of the Architectural Control Committee. Handrails must be maintained. Astroturf or other materials with the exception of doormats are not permitted for covering walks or steps.
- Items may not be stored outside except in the enclosed rear yard. Garden hoses must be rolled up neatly near the house foundation or exterior water fixture.

- Trash and recycling bins shall not be placed for pickup prior to dusk of the evening prior to pick up and shall be removed no later than dusk of the evening of pickup. Mid-afternoon placements are not acceptable. Trash must be secured in proper containers.

The ACC realizes that most homeowners wish to protect their home investment, preserve the value of that investment, and avoid situations that could involve personal liability, and will therefore not permit their property to be poorly maintained or to pose a hazardous situation. The Association does, however, expect all residents to provide for appropriate maintenance in a timely manner. The above list is representative of violations, but is not inclusive.

## **(2.1) Compliance**

The ACC shall regularly inspect the community to insure compliance with these maintenance requirements.

1. If maintenance requirements violations are found, the owner of the unit will be given a notice with a 30-day time limit to fix the violation or respond with a plan to fix the violations.
2. If there is no contact with the unit owner and/or the violation is not fixed, the unit owner will be sent a letter and given a 14-day time limit to fix the violation or respond with a plan to fix the violation.
3. If, following receipt of the second notice, the violation is not fixed then the RHA Board may contract to have the repair done and the unit owner will be sent a bill for the cost of the repair (per Article IX, #8 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Rhygate).
4. Rhygate Homeowners Association Resolution No. 4, "Due Process Procedures" is applicable to unresolved maintenance issues.

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Dave Drago, President, Rhygate Board of Directors

Board Members:

Margaret Fisher  
Anna Gugliotti  
Joey Tinsley  
Valerie Cole  
Dottie Thomas  
Ryan Strandlund  
Kevin Goodale

Approved: January 10, 2012

Revision Approved: December 13, 2022

Revision Approved: February 14, 2023