

## **FOUR SEASONS RECREATION ASSOCIATION**

### **AUTUMN GLEN OF FOUR SEASONS RESTRICTIVE COVENANTS & ARCHITECTURAL GUIDELINES**

These guidelines pertain to lots #SF137-143, 144A-148A, 149-185, 186A-193A, 195A, 196A, 201A-204A, 206A, 207A, 208-209, 210A-212A, 213-293, 294A-297A, 298-304, 305A, 306A, 307-320, 321-353, 386-392

#### **PROCEDURES**

##### **Requests**

Prior to commencement of any exterior alteration to a dwelling or property (structural or cosmetic), an Architectural Control Review Application form (see Attachment A) must be filed with the Autumn Glen Architectural Control Committee (ACC). These guidelines set forth specific information and drawings required to be submitted with any application. Notifications concerning incomplete applications will be sent to the homeowner and a new form with the required information must be resubmitted. An individual request form is required for each separate alteration. If filing several request forms at the same time, a single house site plan (plat) showing all proposed changes is acceptable.

All complete applications shall be acted upon within 30 days of receipt by the ACC. Complete applications can be dropped off or mailed to:

Four Seasons Recreation Association  
1201 Herndon Parkway  
Herndon, VA 20170  
Attn: Autumn Glen Architectural Control Committee

Any exterior changes made without prior approval from the ACC will be subject to further action by the Association. The ACC Guidelines are generally more restrictive than the related Town of Herndon building codes and Community Development requirements. However, ACC approval does not relieve a homeowner of the need to comply with the Town of Herndon building codes, Community Development requirements, and Town/County/Commonwealth permit and/or licensing requirements.

Because the ACC Guidelines are generally more restrictive, homeowners are encouraged to apply for ACC approval prior to applying for any Town permits.

##### **Approvals**

Upon review of an application, written notification of the committee's decision will be forwarded to the homeowner. All approved alterations must be completed within 180 days of the date of ACC approval. If the alteration cannot be completed within this period, a written extension request must be filed with the ACC prior to the expiration of the 180 days. Once an alteration has been approved, changes/modifications to the original request must be submitted to the ACC with the original alteration request for review/approval prior to commencement of such.

## **MAINTENANCE POLICY**

Periodically (at least annually), the ACC will inspect the exterior appearance of each dwelling and all exterior alterations covered by these guidelines. The homeowner will be notified if the ACC identifies any item/items deemed in need of repair, replacement, or enhancement and given 30 days to correct the cited item(s).

### **Dwelling Maintenance**

The Restrictive Covenants require homeowners to keep the exterior of their house or any structure on their property in good repair. Failure to do so will invoke a notice of violation of the Covenants. Homeowners are not required to submit an application for repainting or repair to any part of the exterior of the house or structure as long as it does not deviate from its original state.

### **Violations**

Any exterior dwelling or lot alteration is presumptively in violation of the Covenants unless a written application is submitted to and approved, in writing, by the ACC.

In the event that a violation is detected, the ACC shall advise the homeowner, in writing, of the specific Covenant involved and the nature of the violation. The ACC notice shall include a request for an application that will describe the change the homeowner proposes in order to bring the alteration into compliance with the Covenants.

If the homeowner fails to submit an application within a 30-day period after a written request is sent by the ACC, the ACC will send a second notice to the homeowner. If the homeowner fails to respond within 14 days of the second notice, the ACC shall report the violation to the Board of Directors of the Recreation Association, which shall commence whatever enforcement action it deems appropriate.

Under state law, any homeowner who does not comply with the guidelines established herein is liable to reimburse the Recreation Association for all

reasonable costs and fees, including legal expenses, it incurs to enforce these guidelines and covenants. It is the policy of the Board of Directors of the Recreation Association to press its claim for full reimbursement of these expenses.

### **Questions/Complaints**

Any homeowner with questions, concerns, or complaints regarding alterations within the neighborhood or other matters covered by these guidelines should convey their concerns to the ACC in writing. Letters should be sent to Four Seasons Recreation Association, 1201 Herndon Parkway, Herndon, Virginia 20170, Attention: Autumn Glen Architectural Control Committee. Complaints and questions will be reviewed and discussed by the ACC and a written response will be provided to the conveyer. Complaints and questions will be processed in a confidential manner.

### **Decision Appeals**

Should any homeowner not agree with the action(s) taken by the ACC, they may voice their disagreement in writing to the ACC. Should a disagreement continue to exist, the homeowner may petition, in writing, to the Board of Directors of the Recreation Association to review the ACC's decision and the homeowner may appear at the next regularly scheduled meeting. Residents should call the Office and get "on the agenda" so that the Board will have sufficient and/or the correct members present to hear their concerns. Any documentation residents wish to present regarding decision appeals should be submitted to the Board in advance of the meeting so that everyone is prepared to constructively discuss the matter(s) at hand.

### **SUMMARY OF RESTRICTIVE COVENANTS**

For your convenience, the following paragraphs summarize the restrictive covenants contained in your deed (the specific language varies slightly and insignificantly depending upon the phase of development of your lot):

Section 1. A single sign advertising a property for sale or rent may be erected only on the affected property. All signs advertising the property for sale or rent shall be removed within seven (7) days from the date of execution of any agreement of sale or rental. Signs advertising an "open house" or other public event concerning a property for sale or rent may be erected only on public or the affected property, not-more-than twenty-four (24) hours prior to the advertised start time of such event, and shall be promptly removed at the conclusion of such event. Any signs not removed in a timely manner may be removed by the Town of Herndon or the Association at the sign owner's expense.

Section 2. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection, or the evening immediately preceding trash collection day. No accumulation or storage of litter, new or used building materials, non-structural and/or non-landscaping materials, or trash of any kind shall be permitted on any lot.

Section 3. The exteriors of all structures, including, but not limited to, walls, doors, windows, shutters, porch railings, dormers and roofs, shall be kept in good maintenance and repair. No structure shall be permitted to stand with its exterior in an unfinished condition for longer than six (6) months after the commencement of construction. In the event of fire, windstorm or other damage, the exterior of no structure shall be permitted to remain in a damaged condition for longer than three (3) months.

Section 4. No structure or addition to a structure shall be erected, placed, altered or externally improved on any lot until the complete plans and specifications showing the location nature, elevation, material, color and texture and a site plan showing the location of all improvements with grading modifications shall be filed with and approved in writing as to safety, topography, and general conformity with the design concept for the community by Richmond American. No alterations, additions or improvements shall be made to any garage which would defeat the purpose for which it was intended. "Structure" shall be defined to include any building or portion thereof, wall, fence, pool, pavement, driveway, walkway, or appurtenances to any of the aforementioned.

Section 5. No person shall paint the exterior of any building a color different than the original color of said building without the proposed color having been approved. A list of Association Approved Colors is available from the Association Office.

Section 6. No fence or enclosure shall be erected or built on any lot until approved in writing by the ACC as to location, material and design, so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. Any fence or wall built on any lot shall be maintained in a proper manner so as not to detract from the value and desirability of surrounding property.

Section 7. Junk vehicles or those in disrepair/inoperable, recreational vehicles, house or utility trailers, or commercial industrial vehicles, such as but not limited to, moving vans, trucks, tractors, trailers, vans, wreckers, hearses, buses, boats, boating equipment, travel trailers or camping equipment are prohibited from being regularly or habitually parked in any driveways or in yards where they are visible from the street. Vehicles, which are allowed to be parked on public streets or driveways, shall be properly registered and deemed to be otherwise "street legal" by the Town, County, or Commonwealth.

Section 8. No exterior antennas or satellite dishes shall be erected or placed on any lot or attached to any dwelling without approval so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography.

Section 9. Any lease or rental agreement must be for a period of at least thirty (30) days and must include (as an attachment) and be subject to by explicit reference the rules and regulation set forth in these Restrictive Covenants.

### **GENERAL CRITERIA FOR ADMINISTERING ADHERENCE TO THE COVENANTS**

Homeowners are reminded that according to the Covenants, most exterior improvements and alteration are subject to approval by the ACC by way of application and should not be started until approval of said application has been granted.

The following criteria are not all inclusive but they do reflect the general guidelines used by the ACC in reaching its decisions:

- Architectural Integrity

Changes made must conform to local codes and be appropriate to their surroundings. They must be compatible with the architectural characteristics of the property and surrounding properties as well as the neighborhood setting. The quality of workmanship, architectural style, materials, colors, and construction details must be consistent with existing structures.

- Scale

The size of improvements must be of a scale consistent with existing surroundings.

- Color

Alterations or additions to existing structures must have roofs, trim, and siding that match the primary structure. Changes in the color of doors, shutters, trim, siding, roofing, etc., must have prior written ACC approval. A list of Association Approved Colors is available from the Association Office.

- Solid-panel front door and shutters are to be the same, approved color
- Garage doors are to be the same color as the overall house trim.

- Workmanship

The quality of workmanship of alterations and additions must be equal to or better than that of the primary structure.

- **Definitions**

"Rear yard" is defined as the area on the homeowners' property that is located behind a line established by the rear corners of, and parallel to, the house and extending to the property line.

"Behind the house" is defined as any area in the rear yard that lies between two parallel lines drawn along the sides of the house.

"Front yard" is defined as the area on the homeowners' property that is located in front of a line established by the two front corners of, and parallel to, the house and extending to the property line.

## **Structures**

ACC approval is required prior to the construction of any structure. A structure is defined by the Covenants as any building, shed, or portion thereof, fence, stairs, pavement, driveway, or appurtenances to any of the aforementioned.

The ACC generally considers any external construction which is intended to be of a permanent nature, and which is either attached to the house or to the lots' grounds, to be a structure within the reach of this definition. ACC approval does not relieve a homeowner of the need to comply with Town of Herndon Building Code, Community Development requirements, Fairfax County and/or Commonwealth of Virginia regulations.

The ACC has adopted specific guidelines pertaining to the most common types of improvements or alterations. However, these generalized standards are merely guidelines, not absolute rules and regulations. They evolve from prior decisions of the Committee in reviewing applications presenting similar facts and circumstances.

In each instance the ACC will review and consider an application on its merits. A homeowner should not conclude that the ACC will automatically deny an application solely because it does not fit within the bounds of these guidelines.

The only universal standard the ACC uses in evaluating the merits of each application is the impact which the proposed improvement will have upon the degree of harmony with the surrounding topography and the developer's design concept for the Autumn Glen community.

## **Storm/Front Doors**

ACC approval is required prior to the installation of a storm door, or replacement front door.

- All storm doors must be of full-view design. The storm door color must match the exterior (if solid-panel) door or trim on the house.
- Replacement ornate front doorways in natural wood color will be considered on a case by case basis. If such doorway is approved, shutters shall remain their original color.

## **Fences and Retaining Walls**

ACC approval is required prior to the construction of any fence or retaining wall. ACC approval does not relieve a homeowner of the need to comply with Town of Herndon Building Code and Community Development requirements.

Generally, fencing is an item that will be of major concern for the community, as many homeowners will erect fences to effect privacy, security, and physical/visual definitions. The Guidelines presented herein are of a general nature; however, each fence will be considered on its individual merit.

The Autumn Glen covenants do permit fence enclosures when consistent with the architectural design of the neighborhood and its surrounding topography. However, careful consideration should be given when planning the fence so that its physical and visual impact on neighbors is minimal. When considering fencing for your property, please remember that a key element of the Autumn Glen architectural design is to preserve, to the extent possible, an "open" atmosphere within the community. With this in mind, before committing to fencing, you are encouraged to consider alternatives which may satisfy your objectives, such as landscaping or planting trees.

Fences are restricted to rear and side yards and must not exceed six (6) feet in height. Fences are not permitted in the front yard. Privacy fences, which do not function as enclosures, are not allowed.

If you decide to erect a fence, the following general criteria should be considered:

1. The height and design of your fence should generally be in keeping with other fencing in the area. A description, picture, or drawing of fence style must be provided. Acceptable fence styles include split rail, wooden pickets or board-on-board.
2. Fencing should relate architecturally to the type of dwelling and topography that is prevalent in the area to be fenced.

3. All fences must be made of either pressure-treated pine, cedar, redwood or locust and stained with clear or semi-transparent (cedar or driftwood colors only) preservative, but not painted. The grain of the wood of the fence should still be visible so as not to give the appearance of having been painted. Chain link, cast iron, barbed wire, wire-strand, or fences constructed of other such materials are not permitted. Requests for fences to be constructed of synthetic-wood materials will be considered on a case-by-case basis. Fences constructed of vinyl or other similar materials are not permitted.

4. The height of a fence should generally reflect its purpose and consider the surrounding topography. Fences must not exceed six (6) feet in height and must extend no closer to the front street than the front house corners.

5. Planting or landscaping may be integrated with fencing to soften harsh visual effects of a long stretch of stark fence.

6. Gates must match the fence in design, height, material and color.

7. Retaining walls must be constructed of pressure treated wood, stone or brick. It is recommended that retaining wall height not exceed two (2) feet; however, retaining wall height exceeding the recommended height will be considered as it applies to each application. Pressure treated wood, stone or brick must remain in its natural state and not painted.

When submitting a request for fence or retaining wall construction, include the following information:

- A photocopy of the house site plan (plat) showing the location of the proposed fence/retaining wall.
- A drawing or picture of the fence/retaining wall, its dimensions, and a description of the construction materials, including the proposed color.
- A Letter of Notification from any neighbor upon whose property the proposed fence will encroach (i.e., a boundary line fence or fence which will connect to, or anchor with, the neighbor's fence), or any non-fenced property that the requested fence will touch.

### **Patios and Deck/Stairway Additions**

ACC approval is required prior to construction of any deck/stairway addition or patio. When submitting a request for deck/stairway addition or patio construction, include the following information:

- A photocopy of the house site plan (plat) with the location of proposed deck/stairway addition or patio shown on the plat.
- An illustration of the planned improvement, including an elevation view showing the height the proposed structure



- A description of the construction materials, dimensions of the proposed deck/stairway addition or patio, proposed color, specific details regarding all steps, railings, trellises, arbors, gazebos, gates, and other such structures, and height above ground level.
- A description of any grading and/or drainage changes proposed to accommodate the proposed deck/stairway addition or patio.

Patios and deck/stairway additions, including any parts thereof, must be located totally behind the house.

Patios - Shall be constructed of wood, stone, brick or concrete. If wood is used, it should be stained with clear, cedar, or driftwood preservative, but not painted. Care should be given to drainage so as not to adversely affect surrounding properties.

Deck/Stairway Additions - Since deck/stairway additions are an extension of the house and have a great deal to do with the overall appearance, certain guidelines must be taken into consideration. It should also be noted that deck/stairway additions affect the privacy of neighboring properties. These two factors are considered heavily in the review of all applications.

- Deck/Stairway additions should provide for continuity in regard to such items as materials, color and overall design of railings and trim to include changes or alterations to existing deck/stairways.
- The placement of deck/stairway additions should be taken into consideration so that they relate accordingly to the plan of the house and other exterior windows, doors, etc.
- Deck/Stairway additions shall be constructed using materials that complement the architectural design of the dwelling. Deck/Stairway additions shall be stained with clear, cedar, or driftwood preservative, but not painted and shall be consistent in color and the overall structure (one color should be used for the entire deck/stairway addition).
- Deck/Stairway additions shall not be constructed within ten (10) feet of any property line.

Privacy of adjacent homes should be considered when planning deck/stairway additions. Deck/Stairway additions shall only be constructed off the main level of the home.

### **Greenhouses, Sun Rooms, Screened Porches, Porches**

All structures such as greenhouses, sun rooms, porches, screened porches and gazebos must be approved by the ACC.

When submitting a request for construction of such a structure, include the following information:

- A photocopy of the house site plan (plat) with the location of proposed add-on structure and property lines indicated.
- Architectural drawings, the dimensions of the proposed add-on structure, and a description of the construction materials including color.
- A description of any grading and/or drainage changes proposed to accommodate the proposed add-on structure.
- Greenhouses, sun rooms, screened porches and gazebos, including any parts thereof, must be located totally behind the house. Side yard locations are not permitted.

Screen material shall match the color of the existing window and door screens. Materials used in construction of such additions must match the color of the primary residence, i.e., the siding, roofing materials and trim must match that of the existing residence. If pressure treated lumber is used, it shall be stained with clear, cedar, or driftwood preservative.

### **Antennas/ Satellite Dishes**

Application and ACC approval is required prior to installation of exterior antenna exceeding one meter (39 inches) in diameter or diagonal measurement and masts or mountings exceeding 12 feet. Included are antennas for reception of signals from direct broadcast satellites (DBS), television broadcast stations (TVBS), or multichannel multipoint distribution (wireless cable) providers. The purpose of this approval is for aesthetic and safety reasons and not to prevent reception of an acceptable quality signal. ACC guidelines are consistent with the Telecommunications Act and the Federal Communications Commission rules concerning restrictions.

### **Storage Sheds**

ACC approval is required prior to construction of any storage shed. When submitting a request for storage shed construction, include the following information:

- A photocopy of the house site plan (plat) with the location of proposed storage shed and property lines indicated.
- A description of the construction materials, dimensions of the proposed shed (including height), and a description of the proposed shed style (gable-type preferred) and color.
- A description of any grading and/or drainage changes proposed to accommodate the proposed add-on structure.

Attached and detached sheds are essentially the same as other "additions" to the house and, therefore, must be constructed to match the house in terms of, siding, roofing, material, and trim color. Sheds must be in the rear of the house and not visible from the street or front of the house.

Sheds shall not exceed:

- The overall size of the shed (external square footage) shall not exceed 5% of the ground footprint of the original housing structure. The height of such shed shall not extend beyond two (2) feet above any existing structure (fence, etc.) or landscaping used to shield the structure from view.

### **Walkways and Driveways**

Application and approval is not required prior to repaving/resurfacing a walkway or driveway with the original materials used. However, ACC approval is required prior to the change or alteration of the construction materials and/or location, path, or size of a walkway or driveway. When submitting a request for such a change or alteration, include the following information:

- A photocopy of the house site plan (plat) with the location of proposed change or alteration indicated.
- A description of the construction materials and the dimensions and proposed color, and a picture or sketch of the proposed walkway or driveway.
- Hard, stabilized surfaces such as asphalt, sealed concrete, or exposed aggregate (with brick border) will be approved for driveways.

### **Swimming Pools, Hot Tubs, and Spas**

ACC approval is required prior to the construction of any structure. The following guidelines apply to all pools, hot tubs and spas whether below ground, above ground or prefabricated. Any pool, hot tub or spa with sidewall greater than 18 inches high must be approved by the ACC as well as adjacent decking and fencing (if any).

The impact of required security fencing in open space is significant and must be carefully considered along with the overall effect to adjacent properties.

In addition, the homeowner should consider safety in the pool, hot tub or spa area as well as the impact of increased noise levels on adjacent properties. Proposed swimming pools, hot tubs, and spas should be discussed with adjacent property owners.

Location - Pools, hot tubs, and spas must be located in the rear yard, and should be kept an adequate distance from adjacent property lines. Removal or disturbance of existing trees should be avoided or minimized.

Fencing - The addition and any mechanical equipment must be protected by a fence. Fences and gates must conform to the guidelines pertaining to fencing.

Approval of the fence will be considered as part of the application and shall be required upon completion of the pool, hot, tub, or spa.

The application for these should include as much information as practical, but must include a site plan showing dimensions of the pool, hot tub or spa, deck/stairway addition, and fenced area and their relationship to the house and property lines. Identify the construction materials and include a pictorial description of the pool design, decking and fencing.

### **Solar Panels**

ACC approval is required prior to installation of any solar panels. Requests for solar panels will be considered on their individual merit. Applications must include a description of how the installation will blend with the overall design of the home.

A panel that lies flat with the roof pitch is considered the most acceptable. Panels to be positioned on the roof shall not extend above the peak of the roof, and no edge of the installation shall be more than three feet above the roof surface. Piping, wiring, and other devices must be minimally visible. Panels located other than on the roof shall be positioned in an area not visible from the street.

When submitting a request for installation of solar panels, the following must be included:

- Plat showing house, property lines, and location of panels.
- Drawings and/or photos showing roof lines and specific location of the panels if they are to be positioned on the roof of the house.
- Detailed information regarding proposed collectors, including size, installation details, materials, and color. A copy of the manufacturer's brochure is requested.

### **Attic Fans**

Attic vent fans do not require application if they are to be installed on the back roof of the house.

### **Awnings, Canopies, Screened Tents**

ACC prior approval is required for awnings, canopies, screened tents, etc. which are to be permanently attached to any existing structure (house, deck). Awnings may be installed only on the rear of houses. Requests for permanently erected, free-standing, canvas or screened and canvas structures should be submitted to ACC including a plot plan showing that such structures will not be visible from the street... Temporary canopies, erected for special occasions (such as wedding

receptions, parties, etc.) are permitted as long as they are dismantled and removed within one (1) calendar week of the conclusion of the event for which they were erected.

### **Outdoor Lighting**

ACC approval is required for any additions to, or changes in, potentially intrusive (i.e. flood lights) lighting. Complete details should be provided about type and placement of lighting.

### **Flags**

An ACC application form must be submitted for approval prior to erecting a flagpole or any other structure for displaying a flag. The purpose of this rule is to clarify the right of a lot owner to display a flag on the owner's lot, including, but not limited to reasonable restrictions as to the size, place and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag. *(added 2.17.2017)*

### **Clotheslines**

Clotheslines are not permitted to be installed or used within the Four Seasons community. (They are also not permitted by Town of Herndon ordinance.) Clothing, laundry or wash shall not be aired or dried outside on any portion of the property.

### **Lawn Ornaments/Accessories**

Homeowners are discouraged from installing painted or plastic lawn ornaments or decorations in front or side yards. Homeowners are encouraged to use flower pots and other appurtenances that are aesthetically pleasing, and to maintain their appearance to prevent them from becoming an eyesore. Decorations of a temporary nature such as during a religious or other type holiday have no restrictions, but should be removed within two (2) calendar weeks of the conclusion of the holiday period, weather and other reasonable circumstances permitting .

### **Pet Facilities**

Any facilities erected to house or contain pets must have prior ACC approval and must be constructed to match the house (i.e., siding, roof, and trim paint).

All pet facilities must be located behind the house, maintained structurally, kept in sanitary condition and meet all applicable regulatory requirements for animal health and safety. Chain link dog runs are prohibited.

### **Swing sets/Large Play Equipment**

Equipment shall be located in the rear yard of the house.

### **Basketball Nets and Backboards**

No permanent basketball equipment (poles, nets or backboards) is permitted to be installed in the Autumn Glen subdivision. Temporary (capable of being readily moved or removed) equipment is permissible on the homeowner's property, but not on the public roadways or sidewalks.

### **Firewood, Building Materials, Household/Yard Supplies**

It is recommended that firewood be stacked neatly and located in the rear yard. However, if it is stored on the side of the house, it shall not be visible from the street. This can be achieved by either landscaping or fencing. Absolutely no brush or other kindling materials should be stored in the yard.

Building materials, household or yard supplies shall not be permitted to remain in public view on any lot. However, materials necessary to make alterations that were approved by the ACC will be allowed to be stored on the property while construction is underway. All residual building materials and/or associated trash shall be removed from the property upon completion of the alterations, but in no case shall remain on the property beyond six (6) months of the projects approved start date.

### **Trash/Garbage and Recycling**

Trash, recycling and garbage containers shall not be permitted to remain in public view except during the evening hours preceding the day of trash/recycling collection and on the day of trash/recycling collection. No accumulation or storage of litter, new or used building materials or trash of any other kind shall be permitted on any lot or street. It is the responsibility of the homeowner to arrange a special pick up, for a fee, with the Town of Herndon for any large trash items.

### **Mailboxes**

Generally, mailboxes should be of standard size, black, of plastic or metallic construction and mounted on a pressure treated 4x4 wooden post designed for such purposes, in accordance with U.S. Postal Service requirements and specifications. Replacement of original mailboxes and support posts with the same materials as described herein do not require ACC approval. Wood support posts may be treated with clear stain/wood preserver, but should otherwise remain in a natural state.

Deviations from these standards should be requested to the ACC via the application process previously described. Some deviations that may be considered on a case-by-case basis include, but are not limited to:

- Wood posts painted to match the shutter-color of the house
- Dark-colored metal or vinyl posts
- Mailbox which matches the shutter-color of the house

### **Window Fans & Air Conditioners**

Window fans, air conditioners, or other window-installed devices are not permitted in street-facing windows.