

**FOX POINT
HOMEOWNERS ASSOCIATION, INC.**

ARCHITECTURAL REVIEW

**OWNER'S GUIDE TO
DESIGN STANDARDS AND RULES**

March 12, 2024

Amended and Adopted by the Fox Point Board of Directors

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SECTION 1

GENERAL GUIDELINES

INTRODUCTION

All current and future residents of this community benefit from the planning and design that has been an important part of the development of Fox Point. The purpose of these design controls is to:

1. Promote architectural integrity.
2. Preserve property values and the general welfare of the residents and owners and,
3. Assure residents that the existing standards of design quality will be maintained.

This Owner's Guide addresses typical homeowner architectural changes to the exterior of the dwelling and alterations to the property. These Rules supplement the provisions in the Articles of Declaration that govern the Fox Point Homeowners Association, Inc.

These Amended Design Standards and Rules, aka ARC Guidelines, are adopted and effective as of **April 1, 2024**. All construction, architectural changes and site improvements begun after this date shall comply with all of the provisions included herein. Approved architectural changes and site improvements in existence prior to the date of these Standards are exempt, but must comply with the previous update dated April 11, 2023. For existing improvements such as fences, sheds, decks, etc. pre-dating this update, Homeowners are encouraged to upgrade the improvements to comply with these Guidelines. Furthermore, any subsequent alteration or modification of these structures must ensure that the change complies with this amended document.

***NOTE:** The Association's approval of a request for an architectural change does not relieve the lot owner of the obligation to obtain required government approvals or permits. Similarly, an approval or permit issued by a governmental authority does not relieve the lot owner of his or her obligation to obtain the required approval from the Homeowner's Association.*

A. ARCHITECTURAL REVIEW

The Architectural Review Committee (ARC), identified as the "Covenants Committee" in the Articles of Declaration, is empowered to uphold and enforce these Design Standards and Rules. The ARC evaluates all requests for architectural changes on the merits of each specific application. The characteristics of the house type and site are factors considered when the committee evaluates a particular design proposal. What may be acceptable in one instance may not be in another. For example, exterior changes to homes on corner lots may be more restrictive than interior lots simply due to increased exposure to neighbors.

The ARC receives and reviews all applications electronically on the second Tuesday of each month. The Committee may hold in person meetings if necessary for complicated applications. The following criteria represent the general standards used by the ARC in reviewing and evaluating applications and designs:

- 1. Design Compatibility:** The proposed modification must be compatible with the architectural characteristics of the applicant's house, the adjoining houses, and the overall neighborhood setting. This evaluation considers similarities in architectural style, quality of workmanship, use of materials, color and construction details.
- 2. Location and Impact on Neighbors:** The proposed modification should relate favorably to the landscape, existing structure, and neighborhood.
- 3. Scale:** The size of the proposed modification should relate favorably to adjacent structures and surroundings.
- 4. Color:** Architectural change should be matching in color to the existing structure.
- 5. Materials:** Continuity is established by use of the same or compatible materials as in the original house. Options may be limited by the design and materials of the original house.
- 6. Workmanship:** Workmanship is another standard that is applied to all exterior modifications. Quality of work should be equal to or better than that used in the original construction.
- 7. Governing Provisions:** The applicant(s) should refer to Article 9 of the Amended and Restated Declaration of Covenants to familiarize themselves about the duties and functions of the ARC and the expected length of time for processing the application.

B. WHAT TO INCLUDE IN AN APPLICATION

*The following items must be submitted with the **completed and signed** application so the ARC can review and evaluate the proposed change:*

- 1. Site Plan:** A site plan is easily prepared by submitting a copy of the House Location Survey or Plat received at closing. Proposed changes shall be depicted, including dimensions and drawn to scale, as close as possible
- 2. Material and color:** Description of materials and color samples used in the project and a description of existing colors and materials. Provide a rationale of why these materials & colors warrant a variation. Where materials and/or colors are different from those of the existing structure(s) samples should be submitted for clarity.
- 3. Drawings and photographs:** Description of materials includes 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. Photographs of the Applicant's property as well as houses contiguous with the property being altered are helpful.
- 4. Orientation.** Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, exterior elevations for the proposed structure, and if appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's house, and as they relate to adjacent properties. In any case, a sketch, diagram or photograph must be accompanied by a written description. (Refer to the particular Standard for additional specific submission requirements.

C. APPLICATION REVIEW

Each application is reviewed based on its merits and the overall complexity of the planned project. There are no "automatic" approvals, unless specifically provided for in these Design Standards and Rules. For example, a lot owner who wishes to construct a deck identical to one previously approved by the ARC is still required to apply to ensure the safety of the completed

project and to ensure the change is documented in the property records for the residence.

The applicant(s) should refer to Article 9, Section 9.4, of the Declaration of Covenants to familiarize themselves with the rules for architectural changes. Unless specifically stated in those rules, these Design Standards or the Association Documents, the following changes **MUST HAVE** approval from the ARC:

1. All exterior additions, alterations or improvements to a structure.
2. Changes to the exterior color paint of a structure.
3. Any improvement that alters the exterior, including doors and windows.
4. Changes in the grade of a lot.
5. A sign not permitted by the Rules, or by the Board of Directors, affixed to a structure or placed on the lot.
6. Revisions to previously approved plans ... no further work is permitted on the project without written approval from the ARC on the resubmitted plans.

Normal maintenance and upkeep, and changes to areas within a building visible from the exterior because of transparent glass doors, walls or windows, are exempt from the requirement to obtain prior written approval of the ARC. All requests for change and related submissions must include a completed Application for Architectural Change Form ("Application") to the ARC. Attached to this Guide is an Application for Architectural Change and a Homeowners Checklist. Additional forms can be obtained from the Management Agent during regular business hours or downloaded from the Fox Point Website.

D. APPLICATION REVIEW PROCEDURES

All requests to the ARC for change and related submissions must include a completed Application for Architectural Change Form ("Application"). Attached to this Guide is an Application for Architectural Change and a Homeowners Checklist. Additional forms can be obtained from the Management Agent during regular business hours or downloaded from the Fox Point Website.

The complete Application package can be submitted through the CINC Web Axis Portal, placed in the ARC drop box at the Clubhouse, emailed to j.delcid@cardinalmanagementgroup.com, or mailed/delivered to:

Fox Point HOA Architectural Review Committee
c/o Managing Agent
6120 Blackstone Blvd
Fredericksburg, VA 22407

The Management Agent will initially review the Application for completeness. If the application is incomplete or illegible, the Management Agent will return the Application to the lot owner in order to complete the Application advising what additional information is required for the Application.

- (1) The Management Agent will electronically deliver the Applications it receives to the Committee members.
- (2) The ARC will also review the Application for completeness. If additional information is still required or clarification needed, the homeowner may be contacted by one of the

ARC members or the Management Agent. Once the ARC determines that the Application is complete, the review process will begin.

- (3) Depending upon the complexity of the Applicant's request, the ARC normally completes its review upon receipt of a completed Application. Incomplete and more complicated Applications can extend the approval time to as many as sixty (60) days (or more in rare circumstances) to review and advise the lot owner of its decision from the date of acknowledged receipt of a completed Application.
- (4) The decision of the ARC will be forwarded to the Management Agent for official notification. The Management Agent will then notify the homeowner within 5-7 business days by email of the decision by the ARC.

E. APPEAL OF AN ARC DECISION

*The appeal **MUST** include: a copy of the original homeowner application package; the written ARC response to the application; and a statement from the homeowner that outlines the concern(s) about the ARC response.*

An appeal of an ARC decision shall be made to the Fox Point HOA Board of Directors. All appeals must be in writing and delivered by the homeowner to the Board of Directors c/o [Management Agent] no less than seven business days prior to the next scheduled Board Meeting date. The ARC Chairman will be notified that an ARC appeal will be addressed at that Board meeting and shall arrange for an ARC member to attend. The appeal will be placed on the agenda as "New Business" and the Homeowner notified. The Board will hear arguments from both the Homeowner and ARC Chairman, or ARC member, and ask questions to clarify any misunderstanding.

The Board may reserve the right to hold their vote until the next Board meeting. In that event, the Homeowner will be advised that prior to the next monthly meeting a board member(s) will make a site visit to observe the condition(s) that prompted the denial and subsequent appeal. An ARC member should accompany the Director(s) during the visit.

At the next Board Meeting under "Unfinished Business" the HOA President will call for a motion to vote on the appeal, ask for any further discussion, and then call for a vote. The decision of the Board shall be final. Written notice of the decision will be sent to the lot owner, chairperson of the ARC, and a copy filed in the unit file for the lot at the office of the Property Manager.

F. AUTHORITY

The authority for these rules and regulations is found in the Association Documents which includes the Amended and Restated Articles of Incorporation, the Amended and Restated Declaration for Fox Point ("Declaration"), Supplementary Declarations and the Amended and Restated Bylaws, which may be amended from time to time by the Board of Directors. The Declaration calls for the establishment of a Covenants Committee, which is known within the community as the Architectural Review Committee (ARC).

It is the responsibility of the individual lot owners to obtain any necessary

*building permits, variances, and exceptions or other governmental approvals
prior to the start of any work.*

SECTION 2

MAJOR EXTERIOR CHANGES

A. GENERAL RULES

1. All major exterior changes require prior written approval of the ARC.
2. Major exterior changes are changes that alter an existing structure in size or appearance and include the addition or deletion of structures as well as decorative elements.
3. Elements subject to the requirements of this section include, but are not limited to walkways, driveways, garages, covered porches (screened or unscreened), roof extensions, covered entries, sub-grade entries, greenhouses (attached or detached from the main structure), patios, decks, fireplaces and chimneys, exterior stairs accessing the main entrance and any full-enclosed additions.
4. Lattice or other screening is permitted to enclose the underside of elevated additions.

B. DESIGN

1. The “existing structure” for the purposes of this section is considered to be any existing improvement on a Lot.
2. Exterior changes must be compatible with and complementary to the design of the existing structure to be altered in terms of the structures’ original design, scale, massing, roof pitch, materials, windows, color, trim detail, etc.
3. Proposed additions that adversely impact the use or value of adjacent properties will not be approved.

C. PERMITS & INSPECTIONS

1. All major additions must follow all rules and regulations of governmental authorities that have jurisdiction.
2. Any ARC approval is contingent upon Lot Owner obtaining the required approval of the governmental authority that has jurisdiction.
3. Required governmental permits (e.g. building permits) must be obtained prior to beginning construction.

D. CONSTRUCTION

1. Construction of any proposed addition, alteration or improvement must be at least equal in quality to that of the existing structure on the Lot and adjoining Lots and Common Area in terms of materials, construction details, and finish.
2. Construction materials must be stored so that any impairment of views from neighboring properties is minimized.
3. Excess material should be removed upon completion of construction.
4. Any new construction requires the lot owner to submit all construction plans and schedule to the ARC and Board of Directors for approval prior to starting any construction

SECTION 3

CHANGES THAT REQUIRE ARC APPROVAL

FENCING

Fencing can be used to separate property, provide security, for visual privacy, or to architecturally define space. In achieving any one 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. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed.

A. GENERAL RULES

1. All fences require prior written approval of ARC.
2. No front yard fences will be allowed. Forward placement of a fence will only be considered if the lot owner wishes to enclose a garage entry door, walkout basement door or HVAC units, and will be considered on a case-by-case basis.
3. All fences must begin at the back corners of the home and be constructed with all fence posts and rails located to the interior of the fence and with the finished side facing out.
4. All approved fencing may be constructed of maintenance free material or unpainted wood. Maintenance free material may be white or a natural wood color. Wood fences may be stained to retain a natural, wood appearance.

B. FENCING DESIGN

1. Perimeter Fencing:

- a. All perimeter fencing must be constructed as a picket-style fence with a maximum height of four feet. Pickets must be not less than 2½ inches or greater than four inches in width, with a two½ inch space between each picket. Gates must be made of like-materials and be of a like-style as the fence.
- b. With the exception of some corner lots and where necessary to avoid natural obstacles, such fencing will be installed on the property line when property line is shared by more than one homeowner.
- c. On corner lots, to avoid placing a fence line into a neighbor's front yard, fences may not extend beyond a line equal to the front corner of the adjacent homes. This may require carrying the fence straight back from the home.

2. Privacy Fencing:

- a. For the purpose of providing limited privacy in the rear yards of homes, privacy panels will be considered **only** for properties that border non-Fox Point Property lines.
- b. The maximum height of privacy fences cannot exceed six feet.

3. Decorative Fencing:

- a. Split rail fencing is considered only when it is used as a decorative landscape element.
- b. Split rail fencing is prohibited from being used to define property lines regardless of placement on said property, except where it is used as a decorative landscape element for rear lot corners and takes up to but not to exceed 25% of linear footage of the side

or rear borders of the property.

4. Prohibited Fencing

- a. Double fencing will not be permitted. Double fencing refers to two (2) separate adjacent fences within two (2) feet of each other.
- b. Metal or wire fences, including, but not limited to, chain link and chicken wire are prohibited fencing types.

C. SUBMISSION REQUIREMENTS

1. A drawing, photo, or brochure of the proposed fence design, including dimensions of the fence and materials to be used.
2. A copy of the existing site plan (survey/plat) showing the house, existing decks, patios, fences, and/or accessory structures, property lines, common areas, easements and the location of the proposed fence.
3. Provide information regarding the neighboring lot (photos or on the site plan) and the proximity of neighboring structures of the proposed fence.

PATIOS AND DECKS

A. GENERAL RULES

1. All patios and decks require the prior written approval of the ARC.
2. A patio is defined as a structure that is built on or into the grade of the lot.
 - a. All patios must be located at the rear of the home and maintained in good condition.
 - b. Patios shall be constructed of permanent hardscape material, such as brick, concrete or flagstone, and not wood of any kind or other maintenance free material.
 - c. Any and all changes in the grade or drainage pattern must not adversely affect adjoining Lots or Common Area(s).
3. A deck is defined as a structure built above grade with support posts and/or joists.
 - a. All decks must be located at the rear of the home and maintained in good condition.
 - b. New (or additions to) decks should be constructed of pressure-treated wood, rot-resistant wood or other maintenance-free material.
 - c. ARC permission is not required for treating wood decks with a clear sealer.

B. DECK DESIGN

1. Deck railings shall be a minimum of thirty-six (36) inches tall and shall not exceed forty-two (42) inches in height.
2. Lattice or other screening is permitted to enclose the underside of elevated decks.
3. Finishing the deck with paints, stains or natural finishes must be specified in the Application.
4. Decks may be maintained with a sealer or natural wood colored stain or stained white.

C. DECK PROHIBITIONS

1. Pressure-treated lumber is NOT permitted on the front of any house.
2. Privacy screening is prohibited on any deck where it exceeds forty-eight (48) inches above the deck surface.

D. SUBMISSION REQUIREMENTS

1. A drawing, photo, or brochure of the proposed deck design, including dimensions and materials to be used.
2. A copy of the existing site plan (survey/plat) showing the house, existing decks, patios, fences, and/or accessory structures, property lines, common areas, easements and the location of the proposed fence.
3. Provide information regarding the neighboring lot (photos or on the site plan) and the proximity of neighboring structures of the proposed fence.
4. Modifications to existing patios or decks, to include trellises, benches, stairs or railing require prior written approval of the ARC.
5. If any modifications, including but not limited to paints or stains, are to be made to the patio or deck after its completion and were not specified in the approved Application for Architectural Change, then a separate Application for these modifications must be submitted for ARC approval.

DRIVEWAYS

A. GENERAL RULES

1. The installation, modification, enlargement or replacement of a driveway requires prior written approval of the ARC.
2. Driveways shall be constructed solely out of asphalt, concrete, stamped concrete, or concrete with exposed aggregate.
3. Wooden, gravel or dirt driveways are NOT permitted.

STORAGE BUILDINGS

A. GENERAL RULES

1. All storage buildings, including sheds, require prior written approval of the ARC.
2. Storage buildings should be compatible with both the architecture and the landscape surrounding the house.
3. It is preferred that storage buildings be located three feet from the rear property line.
 - a. On corner lots storage buildings should not be placed forward of the rear corner of the adjacent home.
 - b. Requests for storage building on a corner lot may require a site visit to discuss with the homeowner(s) the placement of the building.

B. STORAGE BUILDING DESIGN

1. Buildings should be designed to respect the “visual rights” and aesthetic interests of neighbors.
2. Acceptable siding materials are wood or vinyl, with vinyl siding preferred. The finished paint or siding color shall match the color of the home.
3. Roof pitch must correspond to the pitch and the shingles match the color of those on the roof of the home.

C. STORAGE BUILDING PROHIBITIONS

1. Dutch Gambrel (barn-style) or flat roofs are prohibited.

2. Cross-buck doors are prohibited.
3. Metal or plastic buildings are prohibited.

PORTABLE STORAGE UNITS

A. GENERAL RULES

1. The placement of portable storage units (e.g., PODS) requires prior written approval of the ARC regardless of the reason for the unit.
2. The owner must state dates that the portable storage unit will be on the lot and not to exceed thirty (30) days.
3. Variances to this rule will be addressed on a case-by-case basis.

RETAINING WALLS

A. GENERAL RULES

1. All retaining walls require the prior written approval of the ARC regardless of their finished height.
2. Retaining walls must be constructed of brick, natural materials (e.g. rock or timbers) or engineered materials that are fabricated so as to appear natural (e.g. castle rock).

DOG HOUSES AND DOG ENCLOSURES

A. GENERAL RULES

1. All doghouses and enclosures require the prior written approval of the ARC.
2. The location of all doghouses and enclosures must be in the rear yard of the lot.

SWIMMING POOLS

A. GENERAL RULES

1. Small, temporary use pools specifically designed for infants and toddlers are permitted and do not require ARC approval; however, they must be situated to the rear of the home.
2. A permanent or semi-permanent above-ground swimming pool or permanent in-ground swimming pool is prohibited.

ROOFING SYSTEMS

A. GENERAL RULES

1. Major exterior changes to a structure's roof require the prior written approval of the ARC; this includes installation of solar tiles, metal roofs or roofing systems.
2. An application allows the managing agent to document the update in the property records.

B. ROOF DESIGN

1. Replacement roofing tiles that are identical in composition and color to existing tiles or complement the color of the front elevation do not require ARC approval.

2. Solar tiles must be non-distinguishable from non-solar tiles installed during the roof's replacement.
3. Metal roofing color must complement the color of the front elevation and shall be approved by the ARC.

C. ROOF PROHIBITIONS

1. Solar tiles installed onto existing roofing tiles without replacing those tiles are prohibited.
2. Wood roofing systems, including but not limited to cedar tiles, are prohibited unless installed by the home builder prior to the effective date of these guidelines.
3. Homes built with wood roofs prior to the effective date shall not be permitted replacement with similar material.
4. ARC approval is required when replacing wood shingles with another roofing material.

RENEWABLE ENERGY SYSTEMS

A. GENERAL RULES

1. Installation of Solar Energy Collection Devices including Solar Panels and Solar Tiles are permitted and encouraged in Fox Point; however, approval of the system prior to installation from the Architectural Review Committee (ARC) is required.
2. Applications submitted to the ARC must include the following:
 - a. One or more diagrams drawn to scale by a licensed contractor who will be installing the system showing where the system will be installed and the location of all other structures on the Owner's lot and any structures on an adjacent lot.
 - b. Photos of the area where the array will be mounted.
 - c. Name of the contractor being used to perform the work.
 - d. Materials to be used and/or manufacturer's description of the system, photos and/or pictures of the system, and color of the system.
 - e. The total area of the proposed solar array, and the total area of the surface(s) [e.g., section of the roof or yard) on which the proposed solar array is to be mounted, and calculations showing the solar array's percentage of coverage.
 - f. A certification that the Owner has complied with all applicable state and local laws and ordinances.

B. RULES ON SOLAR ENERGY COLLECTION DEVICES

1. Solar Energy Collection Devices should be mounted on the rear-facing roof of the home to preserve the aesthetic look of the neighborhood.
2. Solar Energy Collection Devices should appear to be flush with the roof.
3. Piping and electrical connections must be located directly under and/or within the perimeter of the panels and placed as inconspicuously as possible viewed from all angles.
4. For roof mounted panels, the highest point of the solar array must be lower than the ridge of the roof where it is attached.
5. Solar Energy Collection Devices shall not be mounted on sheds the ground, or ground-pedestals.
6. On a case-by-case basis a Solar Energy Collection device's placement on the front, or on the front and rear roof of the home will be considered if the Owner demonstrates that compliance with a guideline would significantly increase the purchase and/or installation

- price of the solar system or significantly decrease its performance or efficiency.
7. To receive a variance from paragraphs above, the applicant shall provide written documentation that the configuration would achieve energy production from the proposed solar array and that said paragraphs are not reasonable as it will:
 - a. Increase the cost of installation of the solar energy collection device by five percent (5%) over the projected cost of the initially proposed installation or,
 - b. Reduce the energy production by the solar energy collection device by 10 percent (10%) below the projected energy production of the initially proposed installation; and,
 - c. If an applicant requests a variance from paragraph (B.1) the applicant shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the Association to show that the restriction is not reasonable according to the criteria established in Paragraph B.1.
 8. All surfaces of a solar array (including but not limited to any painted areas) must be kept in good repair.
 9. All Solar Energy Collection Devices installed on a Lot shall be part of that Lot and the Owners of that Lot shall be solely responsible for all maintenance, repair, replacement and removal costs associated with the Solar Energy Collection Devices on their Lot.
 10. No Solar Energy Collection Devices shall be covered by any insurance policies maintained by the Association. In addition, solar panels shall not be repaired or replaced by the Association in the event of a fire or other casualty. It is recommended that Owners obtain insurance coverage for solar panels under their individual insurance policies they maintain for their Lots.

C. PROHIBITED RENEWABLE ENERGY SYSTEMS

1. The installation of solar energy collection devices by a homeowner on the common structures or common areas within Fox Point is prohibited. However, the Homeowners' Association reserves the right to install solar panels on the poolside-facing roof of the Clubhouse and/or Pool House.
2. The installation and operation of electricity-generating windmills anywhere within Fox Point is prohibited.

ARBORS

A. GENERAL RULES

1. Installation of arbors requires written approval from the ARC.
2. Placement of any arbor shall be in the backyard and limited to two per lot with a maximum height of eight feet.
2. Material and color must be same as approved for fencing and decking

SECTION 4

CHANGES THAT MAY REQUIRE ARC APPROVAL

If the change meets these standards, no application is necessary.

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.

A. GENERAL RULES

1. General landscaping does not require prior ARC approval unless changes are made to the grade of the property.
2. If there are areas where grass will not grow and the installation of an alternative method of organic ground coverage is considered, it must provide adequate water infiltration and prevent erosion. Approval from the ARC is **required** prior to such installation.
3. Except for flower gardens, shrubs, and trees, which shall be neatly maintained, all open lot areas shall be maintained as lawns.
 - a. All front foundations must be landscaped with appropriate shrubs, trees, etc. within one year of occupancy.
 - b. All vegetable gardens must be located in the back yard.
4. Consideration should also be given to types of trees to be planted, specifically with regard to size of mature trees, and how the roots will affect water and sewer lines as well as underground cables.
5. The planting of any bamboo species is **prohibited** on any lot or in the Common Areas within Fox Point.
6. In accordance with Article 8, Section 8.2(k) of the Declaration and unless necessary to construct improvements based on plans previously approved by the ARC:
 - a. No live trees with a diameter in excess of four inches, measured twelve inches above ground may be cut without the prior approval of the ARC.
 - b. No trees which are known as flowering trees (such as dogwood or redbud) that are in excess of two inches in diameter, measured twelve inches above ground, may be cut without the prior approval of the ARC.
 - c. No broad leaf evergreens (such as holly, laurel, or rhododendron) may be cut down without the prior approval of the ARC.
 - d. No live vegetation on slopes of greater than twenty percent gradient or marked “no cut” areas on approved site plans may be cut without the prior approval of the ARC.
 - e. No live trees planted by the Declarant or a Builder to comply with the Spotsylvania County ordinances shall be cut without the prior written approval of the ARC.

B. HOMEOWNERS’ ASSOCIATION COMMON AREAS

1. No vegetation or trees, live or otherwise, may be removed from common areas without prior written approval of either the ARC or the Board of Directors.

2. No plantings or alterations of any type may be made in or to common areas without prior written approval of the Board of Directors.
3. If any Lot owner plants, removes or alters in any way to or in common areas without prior approval of the Board of Directors, the Association will take all necessary and reasonable steps to return the common area(s) to their original state and bill said Homeowner for all costs associated with such endeavors.
4. Furthermore, no Owner shall make any private, exclusive or proprietary use of any of the Common Area (except those areas, if any, designated as Limited Common Area or Reserved Common Area) without the prior written approval of the Board of Directors, and then only on a temporary basis.

EXTERIOR PAINTING

A. GENERAL RULES

1. Exterior painting matching the original color does not require prior ARC approval.
2. Any exterior color change requires the prior written approval of the ARC. Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing and other appurtenant structures.
3. Changes to exterior color should relate to the colors of the houses in the neighborhood but may not be identical to any adjacent home. All painted exterior surfaces must be maintained in good condition.

SATELLITE DISHES

A. GENERAL RULES

1. Satellite dishes shall be twenty-four inches or less in diameter and installed on the rear of the home, not in the yard nor on a ground mounted pedestal; no prior approval from the ARC is required if the dish installation meets these guidelines.
2. A written notification to the ARC is required for mounting on the front or side of the home and shall include a statement from the dish installer that the antenna is unable to capture a signal from the rear of the home.
3. Only in-use satellite dish antennas are permitted. If more than one dish is installed on the home, the Board of Directors may request the homeowner provide current bills for verification that a signal is being received by all dish antennas.
4. A satellite dish shall be removed if it is no longer receiving or able to acquire an active signal. The HOA may request evidence in the form of a current billing that establishes the satellite dish antenna is currently in use.

AWNINGS

A. GENERAL RULES

1. If the color of the awning is the color of house siding, house trim or white, and consistent with this section no prior approval from the ARC is required.
2. Awnings are not permitted on the front or sides of homes.
3. Retractable awnings are allowed on the rear of the house.

EXTERIOR LIGHTING

A. GENERAL RULES

1. Any exterior lighting in addition to lighting installed by the builder must be approved by the ARC and should serve a specific purpose, such as illuminating a walkway, staircase or entry.
2. Exterior light fixtures mounted on posts or poles must harmonize with the architectural character of the home.
3. All lighting shall be directed in such a manner as to not create an annoyance to neighbors or passersby.

B. EXEMPTIONS

1. Approval is NOT required for clear, white, low-voltage lighting (landscape lighting) or for the replacement of existing lighting where the replacement fixtures are the same, or do not deviate from the size and style of the original lighting.
2. Holiday lighting and decorations are exempt from these requirements; however, they should be removed no later than thirty (30) days after the date of the holiday.

FLAGPOLES

A. GENERAL RULES

1. Free standing flagpoles are permitted for purposes of flying ONLY the flags of the United States, Commonwealth of Virginia, any active branch of the Armed Forces of the United States (e.g. Army, Navy, Air Force, Marines, Coast Guard, etc.), and any U.S. military valor or service award.
2. No other flags may be displayed on freestanding flagpoles without ARC approval.
3. Any variance to the following flagpole restrictions requires prior written approval of the Architectural Review Committee:
 - a. The flagpole shall be no more than fifteen feet tall and topped with an eagle that is either gold or silver, or ball that is gold, brushed aluminum or white in color.
 - b. The flag shall be sized appropriately to the pole size and should not exceed 4ft high x 6ft long.
 - c. The flagpole shall be off set from the home on the garage side, a minimum of six feet and maximum of twenty feet from the structure, however not within twelve feet of the property line. The flagpole distance shall be measured from the main body of the home, excluding porches, stairs and stoops.
4. For the purposes of this guideline, the garage side of the home shall be considered any space to the front half of the home to the garage side of the front door.

SKYLIGHTS

A. GENERAL RULES

1. All Skylights shall be located on the rear of the home; no prior approval from the ARC is required if the skylight installation meets these guidelines.
2. A skylight's exterior trim and materials must match either the color of the house trim or the color of the home's roof.

STORM/SCREEN DOORS

A. GENERAL RULES

1. Any variance to the below criteria requires written ARC approval.
 - a. Storm or screen doors must be painted to match the entry doors behind them or the surrounding wood trim.
 - b. Only full-view doors are permitted.
2. Discreet decorative etching on the glass of single panel glass doors is permissible.

MISCELLANEOUS

1. **HVAC/Utility Box Screening.** Only natural material such as shrubbery may be used for screening around HVAC (heating & air conditioning units) and utility boxes.
2. **Exterior air conditioner compressors /heat pumps.** This equipment may be added or relocated only when they do not impose visual interference for neighbors. Exterior ground units shall be oriented so as not to discharge water or hot air onto neighbors' property or produce excessive noise.
3. **Window-mounted air conditioners.** These units are permitted only on the rear of the house. Any variation requires application request to the ARC **and only on a seasonal basis.**
4. **Home Systems.** New installation or replacement of existing home systems does not require ARC approval. Home systems are described as HVAC (heating and central air conditioning), natural gas, water heater, Radon Gas extraction, sump pump, plumbing and wiring. An application may be submitted for the managing agent to update the property record; however, it is not required.
5. **Firewood.** Wood piles shall be kept neatly stacked in the backyard and located so as to minimize visual impact. Firewood piles shall not be used as natural fencing or barriers. They must contain firewood only and may not be used for storage of debris, nor constitute a fire hazard.

Note: *Under no circumstance is firewood to be stacked on HOA Common Areas.*

RECREATIONAL/SPORTING EQUIPMENT

Note: *If the approved playground equipment becomes a nuisance to neighboring properties the HOA may require removal of the equipment from the property.*

A. GENERAL RULES

1. All recreational/sporting equipment and surrounding area must be maintained in good condition, and all play structures must conform to applicable safety regulations.
2. Recreational/Sporting equipment including but not limited to swing sets, slides, sandboxes, playhouses and play forts, trampolines and skateboard ramps, etc., must be located in the rear yard of the property in a location selected to minimize impact on neighboring properties.

3. Recreational Equipment must be wood (natural color) or plastic construction, or some combination thereof.
4. A playhouse or treehouse must conform to the same criteria as "Storage Sheds" and must not exceed eight (8) feet in height. A playhouse or treehouse is defined as a structure with solid walls (with or without windows) and a solid roof.
5. A play fort must not exceed ten (10) feet in height. A play fort is defined as an open structure with or without railings.

B. RECREATION SPECIFIC RULES

1. Basketball Hoops/Goals

- a. **Permanent** - Require the prior written approval of the ARC. Permanent installation of basketball backboards will be considered; however, such installations are discouraged. A permanent basketball hoop/goal must be constructed of a prefabricated (fiberglass or clear) backboard attached to a metal pole painted black. It must be ten feet off the property line and located to the side of the house. Basketball hoops/goals may not be attached to any house.
- b. **Portable** - Portable basketball backstops do not require approval from the ARC. Portable basketball backboards must be stored when not in use and will not be left after dusk on any street or within a VDOT right of way. A portable basketball backstop will be considered stored when placed to one side of the driveway and as close as possible to the house.

2. Other Portable Sports Equipment (e.g. Skateboard Ramps, Soccer/Hockey Goals, Other play equipment) - This equipment must be stored when not in use and will not be left after dusk on any street or within a VDOT right of way. These items will be considered stored when placed in a garage or in the rear yard of the property in a location selected to minimize impact on neighboring properties.

3. Trampolines - Strongly encourage placement of trampoline to be at least twenty feet from rear and side property lines, use of safety netting, and to be anchored to the ground.

4. Swings

a. Swing Sets – Swing sets must be located in the rear yard and in working conditions.

b. Single Swings – Any variance to the following single swing restrictions requires prior written approval of the Architectural Review Committee.

- Free standing fixtures shall not be permitted in any other location than the rear yard.
- One single toddler/child swing is permitted to be located in the front, side, or rear yard of the home and must be hung from a tree.
- The single toddler/child swing in the front or side yard of the home shall be constructed of rope, wood and/or plastic materials.

c. Tire Swings – Any variance to the following tire swing restrictions requires prior written approval of the Architectural Review Committee.

- Tire swings are strictly prohibited in the front or side yard of the home but are permitted in the rear yard.
- Single tire swings are allowed in the rear yard and shall be hung from a tree.

d. Porch Swings – Any variance to the following porch swing restrictions requires prior written approval of the Architectural Review Committee.

- One porch swing is allowed per home.

UPKEEP OF PROPERTY

With respect to Article 7 of the Amended and Restated Declaration of Fox Point, Section 7.2 (a) **Individual Upkeep**, the following list is intended to be a minimum standard for Fox Point homeowners. It is not intended to list all requirements for good order, condition and repair of individual lots.

1. GROUNDS

- a. Lawn height not greater than five inches
- b. Establish and maintain lawns to include seeding, weeding and mowing in order to maintain good grass cover and appearance year round. Furthermore, if there are areas that do not allow for grass coverage, they shall be stabilized with ground covers, mulches, or other materials to prevent soil erosion and allow rainwater infiltration. Forms of coverage other than grass must be approved by the ARC.
- c. Remove leaves and yard debris from property, as needed.
- d. Control weed and grass growth in flower and tree beds.
- e. Remove dead and decaying plants and trees as soon as possible.
- f. Prune/trim shrubs and trees year round
- g. Keep yard neat and orderly.
- h. Toys and other items stored nightly.
- i. Keep pressure treated wood and stained surfaces free of mold or stains.

2. RESIDENCES AND OUTBUILDINGS

- a. Keep exterior surfaces clean and mold- and mildew-free.
- b. Maintain wood areas with stain or paint, or metal/vinyl clad.
- c. Maintain the condition of mailboxes, newspaper tubes and posts that are on the lot and not in the Right of Way.