

MONTCLAIR PROPERTY OWNERS ASSOCIATION

Community Guidelines Article 5

Architectural Guidelines and Home Businesses

Updated May 1, 2018



Montclair Property Owners Association

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MONTCLAIR PROPERTY OWNERS ASSOCIATION

RESOLUTION

ARTICLE 5, COMMUNITY GUIDELINES

WHEREAS, Article 6, Section 6.2 of the Montclair Property Owners Association *Amended Deed of Dedication Agreement and Declaration of Covenants and Restrictions* states, “The Board of Directors shall have the power to adopt, amend and repeal Rules, Regulations and Policies...” and

WHEREAS, Article 4, Section 4.1 of the Montclair Property Owners Association Bylaws establishes that the “business and affairs of the Association shall be managed by the Board of Directors”, and

WHEREAS, It is the desire of the Board of Directors to provide a clear and concise compilation of the policies and procedures for architectural guidelines and home business.

NOW THEREFORE BE IT RESOLVED, that the Montclair Property Owners Association Board of Directors approve Article 5 of the Community Guidelines as attached hereto:

September 21, 2005 #05-245

Amended:

07/20/07	#07-114	5.4.38 Signs
12/12/07	#07-196	5.9.1 Enforcement Procedures
04/09/08	#08-049	5.4.22 Mailboxes and Supports (Appendix B)
	#08-053	5.4.12 Fences for Single Family Homes
05/14/08	#08-069	5.4.8 Docks, Piers, and Wharves
10/08/08	#08-183	5.4.7 (l) Decorative Objects (for Water’s Edge Townhome Association)
01/14/09	#09-004	5.4.2 Fences for Single Family Homes
10/14/09	#09-215	5.4.17 Garage Sales/Yard Sales
03/10/10	#10-034	5.4.14 (m) Fences for Townhomes and Cluster Homes (for Southlake Landing Townhomes) &
		5.4.14 (n) Fences for Townhomes and Cluster Homes (for Southlake Cove and Knolls Townhomes)
	#10-035	5.4.7 (g) Decorative Objects
	#10-046	5.4.8 (g)(1) Docks, Piers, and Wharves
05/12/10	#10-071	5.4.16 Flagpoles
03/09/11	#11-035	5.4.32 (g) Recreation and Play Equipment (Trampolines)
05/11/11	#11-071	5.4.7 (l) Decorative Objects (For Southlake Cove)
	#11-075	5.4.48 (b) Windows
07/13/11	#11-103	5.4.38 (g) Sheds for Single Family Homes
04/11/12	#12-061	5.8.1 General
07/11/12	#12-103	5.4.47 Walkways and Paths (to include Stairs and Steps)
12/12/12	#12-219	5.2.2 (d) Review and On-site Inspection
	#12-220	5.4.11 Driveways, 5.4.21 Hot Tubs and Spas & 5.4.45 Tree Removal
	#12-225	5.6.3 Review Process for Home Business/Occupation
01/09/13	#13-009	5.4.14 (j) Fences for Townhomes and Cluster Homes (for Nob Hill Forest Townhomes)
02/13/13	#13-026	5.4.13 (d) Fences for Single Family Homes & 5.4.14 (b) Fences for Townhomes and Cluster Homes
	#13-027	5.6.2 (c) Application for a Home Business/Occupation
	#13-028	5.2.1 (a) Application by Homeowners
	#13-030	5.4.7 (m) Decorative Objects (for Water’s Edge Townhome Association), 5.4.15 Firewood (for Water’s Edge Townhome Association), 5.4.23 Landscaping (for Water’s Edge Townhome Association) &
		5.4.44 Trash Storage Containers (for Water’s Edge Townhome Association)
03/13/13	#13-056	5.4.8 (j) Docks, Piers, and Wharves (The Island Homes Association)
	#13-062	5.9.1 Enforcement Procedures, 5.9.2 Notification Procedures for Hearings, 5.9.3 Due Process Rights, 5.9.4 Procedural Rules at the Hearing, 5.9.5 Enforcement Procedures for Repeat Violations or for Violations that Pose a Threat of Personal Injury or Imminent Property Damage
06/12/13	#13-131	5.4.38 Sheds for Single Family Homes & 5.4.39 Sheds for Townhomes/Cluster Homes
08/14/13	#13-177	5.4.18 Gardens (to include Vegetable Gardens)
09/11/13	#13-195	5.4.8 (d) Docks, Piers & Wharves
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02/12/14	#14-026	5.4.6 (b) Decks, 5.4.10 (a) Doors, Entry/Storm, 5.4.11 (a) Driveways, 5.4.21 (f) Hot Tubs and

		Spas, 5.4.26 (a) Major Alterations, 5.4.31 (e) Propane Tanks, 5.4.33 (d) Retaining Walls, 5.4.38 (l) Sheds for Single Family Homes & 5.4.43 (e) Swimming Pools
	#14-028	5.6.1 (d) Home Businesses/Occupations
	#14-034	5.4.34 (d) Roofing
04/09/14	#14-066	5.4.25 Mailboxes and Supports
	#14-068	5.5.1 (d) Definitions
	#14-069	5.9.1 (c), (e) & (g) Enforcement Procedures, 5.9.2 (a-c) Assessment of Charges to Enforce Rules, 5.9.3 (a)(4) Notification Procedures for Hearing, 5.9.4 Due Process Rights, 5.9.5 Procedural Rules at the Hearing & 5.9.6 (a)(1-3) & (b)(1-2) Enforcement Procedures for Repeat Violations or for Violations that Pose a Threat of Personal Injury or Imminent Property Damage
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Article 5

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ARTICLE 5

ARCHITECTURAL GUIDELINES AND HOME BUSINESSES

5.1 General. The basic authority for proscribing or restricting certain uses of property, and for maintaining the quality of design in Montclair is founded in the Amended Declaration, which are a part of the Deed to every property in Montclair. The Guidelines contained herewith are additional restrictions which are part of the Association Documents. The intent of covenant enforcement is to assure residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community's overall environment. Every new Montclair property owner receives a copy of the covenants with the disclosure packet, provided by the seller. Montclair property owners may also request a copy at the MPOA office. All too frequently, the owner does not read this information. Since the covenants "run with the land," they are binding on all owners and may be legally enforced, whether or not they have been read. MPOA members should periodically review the Association Documents and understand the covenants.

5.1.1 Objective. The overall objective of this Article is to serve as a guide to aid members in maintaining and enhancing Montclair. The Architectural Guidelines in Section 5.4 address improvements for which members most commonly submit applications. They are intended to be a guide to what generally may be permitted and are not all-inclusive or exclusive. This Article also includes the application process for Home Businesses as well as some specific restrictions on the use of Lots and Common Areas within Montclair, as they are within the responsibility of the Covenants Director. The specific objectives of this Article:

- a. To increase resident awareness and understanding of the covenants, and restrictions on uses of property within Montclair;
- b. To describe the procedures associated with the Architectural Guidelines established by the covenants;
- c. To establish design principles to guide members in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole;
- d. To assist members in preparing an acceptable Property Improvement Request;
- e. To provide the Covenants Committee with uniform guidelines for reviewing applications in a manner consistent with the Association's Documents, and the directives of the Board of Directors (BOD); and
- f. To assist members in preparing an acceptable Home Business Application.

5.1.2 Role of the MPOA. The role of the Association, of which every property owner is a member, is to not only own and operate common areas, but to conserve and enhance the resources of the total community. The Association accomplishes these functions in a variety of ways, including ensuring the retention of harmonious, though diverse, design qualities of the community, and ensuring the appropriate use of residential properties. Surveys of planned communities show that providing these assurances results in the preservation and enhancement of real estate values and are of prime importance to residents.

5.1.3 Role of the Covenants Committee. While builders are constructing houses in Montclair, there are two committees: a "change and modification committee", which is called the Modifications Subcommittee, and a "new construction committee", which is called the Initial Construction Subcommittee. Both of these subcommittees are part of the Covenants Committee. As described in Article 3 of the Community Guidelines, the Covenants Committee is a Standing Committee of the MPOA. The Covenants Committee is charged with ensuring that proposed exterior alterations comply with the objectives set forth in the covenants. This involves regular and systematic review of all PIR's (Property Improvement Requests) for exterior alterations submitted by members. **Changes to the common area require final approval by the Board of Directors.**

5.1.4 Role of the Covenants Director. The "Covenants Director" is a staff member designated to supervise the Covenants personnel. Their duties include: (1) review applications for completeness; (2) ensure that members affected by an application are notified; (3) notify all interested parties of the decision(s) reached by the appropriate review committees; and (4) conduct an annual inspection of Montclair. The Covenants Director may deny applications that directly deviate with the written Guidelines. The Covenants Director may forward any PIR to the Covenants Committee when he or she deems it appropriate. The Covenants Director has the authority to deny PIRs when a sub-association Board of Directors recommends against approval. The Covenants Director may deny Variance requests resulting from a PIR previously denied by a sub-association. Only the Business Review Board, or the BOD as a whole, may approve an application for a home business. The Covenants Director may approve routine, minor requests for exterior alterations, except for projects that the covenants specify must have committee approval. The following are "Quick Track" requests that may be approved by the Covenants Director, and will generally not require review by the Covenants Committee:

5.1.4 Role of the Covenants Director (continued).

- a. Decorative Objects: Not over 18" in length, 18" in height, and 12" in width;
- b. Doors, Entry/Storm: Full view, clear glass storm doors that match the front door or trim color of the house and doors, entry/storm meeting the Requirements and Restrictions as stated with sub-association approval;
- c. Electronic & Propane Insect Traps: Meeting the Requirements and Restrictions;
- d. Gutters & Downspouts: Meeting the Requirements and Restrictions;
- e. Propane Tanks: Meeting the Requirements and Restrictions;
- f. Minor modifications, such as front steps and entrance ways (to be considered on an individual basis);
- g. Roofing: For the Heritage Series Homes, Island Cluster Homes, and Water's Edge Townhome Association, replacement of the roof as specified under the Requirements and Restrictions;
- h. Siding: For the Heritage Series Homes, replacement siding in the existing color to match the original design and used by the builder (wood, aluminum, or vinyl 8" beaded siding);
- i. Tree Removal: In emergencies, the Covenants Director can grant approval for tree removal, provided that he/she inspects the tree to be removed and deems it an imminent threat to life or property;
- j. Property Improvement Requests submitted in response to a violation from a home inspection provided the items are in good condition and comply with the existing Guidelines;
- k. Those items specifically listed in Section 5.4 Architectural Guidelines.

5.1.5 Changes Requiring Covenants Committee Approval. The Association Documents specify that approval is required for any and all external alterations on any lot. It is important to understand that approval is not limited to major alterations, such as adding a room or deck to a house, but includes such items as changes in color and materials, landscaping, retaining walls, certain play equipment, fences, trellises, etc. Approval is also required when an existing item is to be removed. Changes to the common areas require approval by the BOD, but applications for such alterations are reviewed by the Covenants Committee to ensure that they are in accordance with the Community Guidelines.

5.1.6 Role of the Business Review Board (BRB). When a resident desires to use a residence for business purposes, the Board of Directors must grant approval, and the approval is subject to existing zoning regulations of Prince William County. The BOD has empowered a Committee of the Board, the Business Review Board (BRB), to review and approve applications for home business.

5.1.7 Uses Requiring BRB Approval. All uses of a residential lot, for other than residential purposes, must be approved by the BRB. This policy, however, does not apply to an activity that occurs on an annual or semi-annual basis, such as a sale of homemade Christmas articles, or to a casual sale of personal articles (i.e., yard/garage sales), or to "party" type sales of mail order merchandise.

5.1.8 Review Basis. Each application, whether for exterior alteration or a home business, is reviewed on an individual basis. While decisions made by the Covenants Committee in reviewing applications are not based on individual, personal opinion or taste, there is some inherent subjectivity in determining whether an addition, change, or removal is in accordance with the Architectural Guidelines. Judgments of acceptable design, color, placement, etc., based on the following criteria:

- a. Relation to surrounding area;
- b. Design compatibility with existing structures on the lot, as well as adjoining houses, neighborhood setting and colors;
- c. Location and the effect on neighbors and the community;
- d. Scale;
- e. Color;
- f. The compatibility of construction materials in type and quality with existing structures on the lot; and
- g. Other considerations found in the Association Documents.

A member cannot assume that his/her application for a home business will be approved because he/she believes it conforms to the Home Business policy. The BRB must consider the potential impact upon the neighbors and the community as a whole. All businesses/occupations approved by the BRB are subject to periodic review for compliance to established policy and any other conditions imposed by the Board.

5.2 Application & Review Procedures for Exterior Alterations.

5.2.1 Application by Homeowners.

- a. Property owners desiring to add to and/or alter the exterior appearance of their home or Lot must complete a PIR form and submit the PIR and all necessary attachments to the Covenants Director, unless that specific item is listed as pre-approved. The Covenants Director will review the form for completeness, date it, retain an active file copy, and record its receipt. The applicant should retain one copy. If the guidelines contain restrictions specific to the Sub Association, the PIR will be sent to

5.2.1 Application by Homeowners (continued).

the identified point of contact for the Sub Association for review. The Sub Association shall promptly review the PIR for compliance with their guidelines and covenants and provide their ruling to the MPOA covenants staff no later than the close of business on the Monday prior to the meeting at which the PIR will be reviewed by the MPOA Covenants Committee. If the MPOA guidelines do not contain restrictions specific to the Sub Association, the PIR is sent directly to the MPOA Covenants Committee for review. The Sub Association will not review these PIRs. Any appeal by the applicant will be heard by the MPOA Architectural Appeals Board. Additional copies of PIR forms are available at the MPOA office and at www.montclairva.com.

- b. The applicant property owner must make every attempt to contact adjacent property owners and advise them of the intended property improvement. There is space provided on the PIR for their signatures. These signatures only indicate an awareness of the PIR and do not indicate approval or disapproval.
- c. If a homeowner refuses to sign the PIR, the applicant should make a note of that fact on the line provided for the homeowner's signature. Should an applicant be unable to obtain an adjacent property owner's signature because the neighbor is unavailable for an extended period of time (fourteen days), the applicant may dispense with the signature of that neighbor and note the neighbor's absence on the PIR.
- d. In the event an adjacent property owner refuses to sign or is absent, the Covenants Director will provide written notification of the request, which shall include a copy of the PIR, to that property owner. Under these circumstances, the PIR review process may be delayed, but for that reason alone, the delay will not exceed the 30-day time frame in which a decision must be made.
- e. A PIR will be considered incomplete and will not be forwarded to the Covenants Committee for review unless all of the previously outlined steps are taken by the homeowner to obtain signatures from adjacent property owners.
- f. The MPOA shall act upon any and all fully completed PIRs within 30 days of receipt. Should the Covenants Director and/or Covenants Committee fail to act on the PIR within 30 days of receipt; the PIR will be approved in accordance with the Association Documents without further consideration on the thirty-first day following receipt by the MPOA.
- g. Any MPOA property owner may object to a PIR. A property owner who desires to object to a PIR must notify the Covenants Director prior to the Covenants Committee meeting at which the request will be reviewed. Property owner may appear before the Covenants Committee to voice an objection to a PIR if proper notification was made. Property owners must submit their objections in writing to ensure that the Covenants Committee members will have an accurate understanding of the objection when visiting the site of the proposed alteration. The Covenants Director will advise the applicant of an objection to a PIR, and the nature of the objection. An objecting property owner may elect to remain anonymous. Refusal to sign a PIR shall not be construed as an official objection to a PIR.
- h. The Covenants Director will notify the applicant and any objecting property owners of the date and time of the Covenants Committee meeting at which the PIR will be considered. Objecting property owners will be notified of the Covenants Committee's decision in the same manner and within the same time frame as the applicant. If the PIR is approved, an objecting property owner may appeal to the Architectural Appeals Board (AAB).
- i. The Covenants Director has authority to approve clearly acceptable items and deny clearly unacceptable items that do not comply with the Guidelines. Variances, modifications, and waivers, shall be forwarded to the Covenants Committee or the appropriate Sub-Association for review and decision or recommendation to the BOD. The Covenants Committee may approve, with or without modification, disapprove a PIR, or forward the PIR to the BOD. The Covenants Committee should provide a recommendation on PIRs forwarded to the BOD.

5.2.2 Review and On-site Inspection. The Covenants Director will route a copy of all PIRs that he or she deems necessary, to all Covenants Committee members for their review and on-site inspection of the lot/home. In order to vote, a Covenants Committee member must visit the site in question. The Covenants Committee will meet at least once a month to review PIRs. Consideration of a PIR is based on the standards included in these guidelines, the covenants, and applicable Board of Directors' resolutions. A majority vote of the Covenants Committee members is required to approve or disapprove a PIR. The Covenants Committee must have a quorum of three voting members, not including the Covenants Director, present to conduct any committee business.

- a. Homeowners who appear before the Covenants Committee to voice concerns or request clarification of a PIR shall convey relevant information. Information that does not have a direct bearing on the PIR will not be permitted nor will it be considered in the Committee's decision-making process. The Covenants Committee when making its decision will consider all pertinent information presented in this meeting. Committee discussions and voting will be conducted in open session. The format for presentation before the Covenants Committee shall be as follows (note, additional time may be provided at the discretion of the Covenants Committee Chair):
 - 1. Applicant presentation – 2 minutes
 - 2. Objecting homeowner statement – 2 minutes
 - 3. Covenants Committee questions to applicant and applicant response – time as appropriate
 - 4. Applicant follow-up statement – 2 minutes
 - 5. Covenants Committee questions to objecting homeowner(s) and responses – time as appropriate
 - 6. Objecting homeowner follow-up statement – 2 minutes
 - 7. Applicant's final statement – 1 minute
- b. If the Covenants Committee approves the request, a letter of approval from the Covenants Director will be sent to the applicant and a copy placed in the individual lot file at the MPOA office. If the Covenants Committee disapproves the request, the applicant will be informed and copies filed in the same manner as an approval. The applicant will be notified of the Covenants Committee decision by mail within five working days of the Covenants Committee's decision.

5.2.2 Review and On-site Inspection (continued).

- c. Upon approval of a PIR by the Covenants Committee, the Covenants Director will notify the applicant of the ruling within five working days. The applicant will also be informed that he/she is to take no action on beginning the approved work for a period of 10 days from the postmarked date of the notification of the Covenants Committee's decision, pending any possible appeal to the Architectural Appeals Board (AAB) by an objecting property owner.
- d. Upon approval of a PIR, the Covenants Committee will determine an appropriate time frame for the work to be completed.
- e. If the PIR is not completed within the time frame given by the Covenants Committee, a new PIR must be submitted, if the Owner still wishes to move forward with the improvement. If a PIR is submitted as a result of a violation and the work is not completed within the time frame given by the Covenants Committee, the violation process will continue.

5.3 Appeals of the Covenants Committee Decisions.

5.3.1 Appeals of the Covenants Committee Decisions. Any decision of the Covenants Committee, with the exception of a decision to forward the PIR to the BOD, is subject to appeal. All members who file a PIR, and any member who has expressed to the Covenants Committee an objection to the PIR, are hereafter referred to as "Interested Owners." Only an Interested Owner may appeal a decision of the Covenants Committee, and he or she becomes known as the "Appellant." In the event the Covenants Committee forwards a PIR to the BOD, the Appellant retains the right to appear before the Board to voice their opposition and/or concerns. The following process provided as a guideline for the Covenants Director and the AAB.

- a. The Covenants Director shall notify all applicants and Interested Owners by mail of the Covenants Committee's decision, pursuant to paragraph 5.2.2.c, above. All appeals from the Covenants Committee to the AAB must be in writing and received by the Covenants Director within ten days of the postmarked date of the notification to the applicant and Interested Owners of a Covenants Committee decision. If an appeal is not received within the specified time frame, the decision of the Covenants Committee is final.
- b. Upon receipt of an appeal the Covenants Director shall forward complete documentation, including appropriate guideline references and covenants, to the AAB. The AAB is made up solely of BOD members, and empowered to act on the BOD's behalf. The AAB shall review the documentation, and the Chair of the AAB shall schedule an appeals hearing, if granting the appeal would not violate the covenants or federal, state or local laws. If no hearing is scheduled, the Chair will prepare a letter to the Appellant explaining the covenants or laws the granting of an appeal would violate. The Chair may also elect to forward the appeal to the entire BOD. Otherwise, the hearing will be scheduled within fifteen days of the receipt of the appeal by the Covenants Director, subject to the availability of members of the AAB. The Covenants Director is responsible for keeping complete records of all appeals and will log the appeals according to the date the appeal is received at the MPOA Office.
- c. The Appellant and other Interested Owners shall be notified a minimum of three days prior to the AAB hearing of the date, time, and location the meeting is to be held. If a member of the AAB is not available within the fifteen day time limit, the President of the Association may appoint another Director as a pro tem AAB member or make such other decision as necessary to expedite hearing the appeal.
- d. All members of the AAB shall be present at the hearing. All members shall review all references and documents provided in the appeal packet and visit the property site shown on the PIR before the hearing. The AAB shall uphold, modify, or overturn the Covenants Committee decision, return the PIR to the Covenants Committee for further proceedings, forward the appeal to the entire BOD, or recess the hearing pending receipt of additional information. The Covenants Director shall notify the Appellant and Interested Owners of the AAB's decision within five working days of the decision. Unless the AAB forwards the appeal to the entire BOD, the decision of the AAB is deemed final and the Association shall allow no further appeals. If a PIR is returned to the Covenants Committee for further proceedings, the subsequent decision of the Covenants Committee is subject to appeal only by the applicant.
- e. Homeowners who appear before the AAB shall convey relevant information. Information that does not have a direct bearing on the PIR will not be permitted, nor will it be considered in the AAB's decision-making process. All pertinent information presented in this meeting will be considered by the AAB when making its decision. The format for presentation before the AAB shall be as follows:
 - 1. Covenants Committee ruling on application – 1 minute
 - 2. Applicant presentation – 5 minutes
 - 3. Objecting homeowner statement – 5 minutes
 - 4. Covenants Committee comments – 5 minutes
 - 5. Questions from AAB – 5 minutes
 - 6. Closing statement by applicant – 2 minutes
 - 7. Closing statement by objecting homeowner – 2 minutes
 - 8. Covenants Committee comments – 1 minute
- f. While the appeals' hearing is open, the deliberations of the AAB are closed. Only AAB members, the Covenants Director, and the Chair of the Covenants Committee may attend these deliberations. Following the deliberations, the AAB shall return to open meeting to vote and advise the applicant and objecting homeowner(s) of its decision.

5.3.1 Appeals of the Covenants Committee Decisions (continued).

- g. Any appeal of a Covenants Committee decision that is referred by the AAB to the entire BOD, and all appeals forwarded by the Chair of the AAB to the entire BOD, shall be forwarded to the BOD by the Covenant's Director and placed on the agenda of the next regular BOD meeting. Provided the Board members receive the applicable documents within three days of the regularly scheduled meeting.
- h. The Covenants Director shall ensure that the Appellant and Interested Owners are notified of the decision of the BOD within five working days of the date of the decision. All decisions of the BOD are final.
- i. The AAB may forward to the Covenants Committee via the Covenants Director any recommendations to amend the Architectural Guidelines. The President shall cause the recommendations placed on the BOD's meeting agenda upon review by the Covenants Committee.

5.3.2 Appeals to Sub-Association PIR Denials

If the Sub Association denies the PIR based upon conflict or violation of their guidelines or covenants, the PIR is thereby denied and will not be sent to the MPOA Covenants Committee for further review. Any appeal by the applicant shall be heard by the Sub Association.

5.4 Architectural Guidelines.

5.4 General. **The following list is not all-inclusive and a PIR is required for ANY exterior modification to your home that is not pre-approved.** The modification standards listed in this section are characterized in four ways:

- 1. "Pre-approved" items that do not require submission of a PIR;
- 2. "Quick Track" items that can be approved by the Covenants Director and do not require review by the Covenants Committee;
- 3. "Requirements and Restrictions" regarding the particular item; and
- 4. "Information to be Included with PIR"

All pre-approved and "Quick Track" items must adhere to the requirements and restrictions contained in the guidelines for that item. Replacing a previously approved item with the exact same item does not require submission of a PIR provided it meets the current standards and is not the result of a variance request (see Section 5.8). Townhome and cluster home areas of Montclair may have additional Architectural Guidelines to supplement the MPOA guidelines. These townhome and cluster home guidelines may not conflict with MPOA standards but may be more restrictive. **For all lots bordering the lake:** any construction or modification within 100 feet of Lake Montclair requires approval from the Prince William County Department of Public Works to build within the Chesapeake Bay Preservation Act Resource Protection Area, and the homeowner must submit a copy of the approval to the MPOA.

Chesapeake Bay Preservation Act Resource Protection Area (RPA) Requirements. The Montclair Residential Planned Community is a lake community, and Lake Montclair is an integral part of the Chesapeake Bay waterway system. As such, provisions of the Chesapeake Bay Preservation Act of 1988 (the Act) apply to Lake Montclair and the creeks and streams feeding into and out of the lake. The Act established shoreline protections buffers termed Resource Protection Areas along all waterways that feed into the Chesapeake Bay. Prince William County adopted the Chesapeake Bay Preservation Act provisions into its local Ordinance in 1990. Within Montclair, RPAs include the land areas within 100-feet of both Lake Montclair shoreline as well as the shorelines of the creeks and streams feeding into and out of Lake Montclair.

Prince William County RPA restrictions apply to all homeowner improvements within the Montclair 100-foot RPA buffers along the shorelines of Lake Montclair and the associated creeks and streams.

- 1. The following activities and uses are permitted within the RPA with County approval as long as water quality is maintained:
 - a. Water dependent facilities such as docks, piers, and public beaches.
 - b. Rebuilding existing structures to original footprint
 - c. Water wells, boardwalks, trails, pathways, and public utility structures.
 - d. Selective removal of trees for reasonable sight lines, vistas, or walkways (using natural materials).
 - e. Removing dead, dying, or noxious vegetation.
- 2. The following activities are not permitted within the RPA:
 - a. New development.
 - b. Parking lots.
 - c. Clear-cutting trees.
 - d. Filling and grading activities.
 - e. Establishing lawns.
- 3. Some activities may or may not be permitted by the County. These projects require a longer special review process, perhaps a Public Hearing and payment of various fees. Activities that may or may not be permitted include:
 - a. Additions to existing structures.
 - b. Secondary structures such as sheds, gazebos, and pools.

Any removal of trees must be approved by the County. Any vegetation that is removed must be replaced by another type of vegetation that offers an equal level of water quality protection, such as shrubs or ground cover that don't grow as high.

5.4 General (continued).

All PIRs within the RPA require County approval before submitting the PIR to MPOA for consideration. The Environmental Services Division of Prince William County Public Works is responsible for providing such approvals. The link to County Environmental Services RPA information is: <http://www.pwcgov.org/government/dept/publicworks/environment/pages/resource-protection-area-requirements.aspx>. County Environmental Services may also be reached by phone at 703-792-6819 or e-mail at publicworks@pwcgov.org. Additionally, Prince William County provides an RPA Brochure detailing the activities within the RPA that require County approval: <http://www.pwcgov.org/government/dept/publicworks/documents/006995.pdf>.

5.4.1 Air Conditioners, Heating Units, and Window Fans.

Pre-Approved: Replacement units installed in the same location as the original unit (not to include window units and window fans).

Quick Track: None

Requirements and Restrictions:

- a. Window air conditioning units and window fans may not be installed on the front of any home.
- b. **For Water's Edge Townhome Association:** Window air conditioning units or window fans may not be installed in any window.

Information to be included with PIR:

- Property plat indicating the location of the unit and
- Size and color of the unit.

5.4.2 Awnings.

Pre-Approved: Replacement of an existing previously approved awning with one having identical features.

Quick Track: None

Requirements and Restrictions:

- a. Awnings shall be compatible with the architectural character of the house in terms of style, color, and materials.
- b. The location of any awning should not adversely affect views, light, winter sun, or natural ventilation of adjacent properties or views of the lake.
- c. Awnings attached to houses should be proportionate with the visual scale of the house to which it is attached.
- d. **For Water's Edge Townhome Association,** Awnings are permitted over upper-level decks and must be color of townhome siding or white. Awnings are not allowed on front or side windows.
- e. **For Southlake Landing,** retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with dominant color of house.
- f. **For Nob Hill Forest Townhomes,** Retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with dominant color of house.
- g. **For Southlake Cove,** Retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with dominant color of house.

Information to be included with PIR:

- Property plat indicating the location of the awning in relationship to the property lines and dwelling;
- Description of size, color, materials, and framing; and
- Photographs or brochures showing colors and construction details.

5.4.3 Canopies.

Pre-Approved: Replacement of an existing previously approved canopy with one having identical features.

Quick Track: None

Requirements and Restrictions:

- a. Canopies shall be compatible with the architectural character of the house in terms of style, color, and materials.
- b. The location of any canopy should not adversely affect views, light, winter sun, or natural ventilation of adjacent properties or views of the lake.
- c. Canopies may not be placed on common property.
- d. Canopies may not extend beyond the front of the home.
- e. Canopies must be stored out of public view. Freestanding canopies cannot be erected for more than four consecutive days in duration.
- f. Canopies shall match the trim or dominant color of the house or be in an earth tone. Pipe frames for canopies must be painted to match the trim or dominant color of the home.
- g. Freestanding canopies may not be placed on upper-level townhome decks.
- h. Permanent canopies will be considered on a case by case basis.

5.4.3 Canopies (continued).

- i. **For Water's Edge Townhome Association,** Freestanding canopies may be placed on upper-level townhome decks only and shall match the trim or dominant color of the house or be in an earth tone. Permanent canopies will be considered on a case by case basis and require a PIR. Canopies are not allowed in front, side or rear yard.
- j. **For Southlake Landing:** Canopies are not allowed on any windows.
- k. **For Nob Hill Forest Townhomes:** Canopies are not allowed on any windows.
- l. **For Southlake Cove,** Canopies are not allowed on any windows.

Information to be included with PIR:

- Property plat indicating the location of the canopy in relationship to the property lines and dwelling;
- Description of size, color, materials, and framing; and
- Photographs or brochures showing colors and construction details.

5.4.4 Chimneys, Metal Flues, and Vents.

Pre-Approved: Identical replacement for an existing flue or vent, placed in the same location.

Quick Track: None

Requirements and Restrictions:

- a. Chimneys must match the existing brick or other dominant material on the dwelling in style, size, color, and material.
- b. Exposed metal flues must be galvanized steel.

Information to be included with PIR:

- Property plat indicating the location of the flue or vent on the house; and
- A picture or drawing indicating the dimensions, materials, and color.

5.4.5 Compost Piles.

Pre-Approved: Compost piles that meet all of the following requirements and restrictions:

- a. Containers must be constructed of a wooden frame with wire or block interior and must be screened from adjacent lots and streets.
- b. Piles must not exceed 4' in height and must be located at least 5' from the property lines and to the rear of the house.
- c. Active (organic) piles must have a 6" layer of straw over the top at all times to prevent odors.
- d. Piles must be maintained and turned periodically to ensure the proper destruction of bacteria and weed seeds by heat.

Quick Track: None

Requirements and Restrictions:

- a. The use of manufactured containers requires submission of a PIR.
- b. Compost piles are not permitted in townhome and cluster home areas.

Information to be included with PIR:

- Property plat indicating the location of the compost pile in relationship to the property lines and the existing dwelling where container will be placed in back yard; and
- Description of the manufactured container to include dimensions; and
- Photograph or brochure of manufactured container to include color.

5.4.6 Decks.

Pre-Approved: For Nob Hill Forest Townhomes, Southlake Landing Townhomes, Southlake Cove Townhomes, and Water's Edge Townhomes: Decks may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable. Other colors and materials are subject to Southlake Landing Town Home Association approval. Other colors and materials are subject to Southlake Cove Townhomes Association approval. For Water's Edge Townhomes: Decks may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate, Sable, Terra Cotta, California Rustic, Cappucino, Adobe Brown, Rose Beige, Tugboat, Chestnut, Woodbridge, Redwood Naturaltone, Curry, Cedar, Red Cedar, Wrangler Brown, and Antique Brass. Paints from other suppliers that are an exact match to these colors are acceptable. Screened-in porches on the upper level deck requires a PIR. Pre-approved: Lattice and screening of the ground level patio/bottom level deck is permitted.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

5.4.6 Decks (continued).

Requirements and Restrictions: PIRs for painted decks (other than homes located within the sub-associations listed above) will be considered on an individual basis for aesthetic compatibility and visual impact on surrounding properties. Other colors and materials are subject to Nob Hill Forest Townhome Association approval.

Information to be included with PIR:

- Property plat indicating the location of the deck in relationship to the property lines and the existing dwelling;
- Clear and accurate building plans that show height above grade, dimensions and style, and details of railings, stairs, benches, privacy screens, pergolas, trellises, and lattice work;
- Description of materials to be used for the deck, to include a sample for all synthetic materials;
- A color sample of the stain or paint to be applied, if applicable;
- Details of changes to windows and doors, if applicable;
- Description of grading and drainage changes, if applicable; and
- Estimated completion date.

5.4.7 Decorative Objects.

Pre-Approved:

- a. Porch furniture located on the front porch (not to include storage benches – see Sections 5.4.38 and 5.4.39).
- b. Movable planters, no larger than 18” x 18” x 18”.
- c. Hanging birdhouses, birdfeeders, chimes, or planters not over 18” in length, 24” in height and 12” in width.
- d. Welcome, name, or similar signs (not advertisement) no larger than 24” x 12” or 18”x 18.”
- e. Door wreaths.
- f. Holiday decorations, not permanently attached to the dwelling. Holiday decorations must be removed within two weeks after the end of the holiday. Mailbox covers are not permitted (see Section 5.4.25).
- g. Decorative house flags and/or banners no larger than 28” x 40” placed in flagpole holders per Section 5.4.16 Flagpoles. Holiday flags/banners must be removed within two weeks following the holiday.

Quick Track: Other decorative objects not over 18” in length, 18” in height, and 12” in width.

Requirements and Restrictions:

- a. Any decorative object not listed as “pre-approved” requires submission of a PIR.
- b. Excessive numbers of decorative objects, pre-approved, quick-track, or not, will not be permitted.
- c. **For Southlake Landing:** Decorative objects are limited to a total of 2 objects in the front of any property. Up to 3 planters with appropriate living plants are also permitted. Prohibited objects include, but are not limited to, statues, swans, flamingos, ducks, windmills, deer, birdbaths, and lights other than the front door light and landscape lights. Decorative objects are prohibited in side yards.
- d. **For Southlake Cove:** decorative objects are limited to a total of 2 objects in the front of any property – 1 hanging object and 1 sign (i.e. welcome plaque or family name). Hanging objects are limited to wind chimes and flags (American Flag or other National Flags). Up to 3 planters (non-hanging) with appropriate living plants are also permitted. Prohibited objects include but are not limited to statues, swans, flamingos, ducks, windmills, deer, birdbaths, storage benches made of plastic, wood, metal, stone or other material and lights other than the front door light and walkway landscape lights. Decorative objects are prohibited in side yards.
- e. **For Water’s Edge Townhome Association:** Decorative objects are limited to a total of 2 objects in the front of any property - 1 hanging object, and 1 sign (i.e. welcome sign or family name). Hanging objects are limited to wind chimes and flags (American flag or other national flags). Up to 3 planters (non-hanging) with appropriate living plants are also permitted. Prohibited objects include but are not limited to statues, swans, flamingos, ducks, windmills, deer, birdbaths, gliders, swings, window boxes, fire pits, BBQ grills, lawn furniture and chairs, storage benches made of plastic, wood, metal, stone, or other material and lights other than the front door light and walkway landscape lights. Decorative objects are prohibited in side yards.
- f. **For Nob Hill Forest Townhomes:** Decorative objects are limited to a total of 2 objects in the front of any property – 1 hanging object and 1 sign (i.e. welcome sign or family name). Hanging objects are limited to wind chimes and flags (American flag or other national flags). Up to 3 planters (non-hanging) with appropriate living plants are also permitted. Prohibited objects include, but are not limited to, statues, swans, flamingos, ducks, windmills, deer, birdbaths, and lights other than the front door light, walkway landscape lights and one pole light. Decorative objects are prohibited in side yards.

Information to be included with the PIR:

- Property plat showing location of object in relation to dwelling;
- Picture and/or detailed drawing of object, including dimensions; and
- Material and color(s) of the object.

5.4.8 Docks, Piers and Wharves.

Pre-Approved: None

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

General Requirements and Restrictions:

This guideline applies to docks, piers, wharves, (docks) and shoreline improvements described herein. For the purposes of these guidelines, the word “dock” means anything, including a pier or wharf, whether natural or man-made, used or intended to be used to moor a boat to the shore and to provide access to the boat and the lake. The installation and maintenance of a dock within Lake Montclair is a privilege and shall be permitted only upon strict compliance with the terms of the Amended and Restated Declaration and this section of the Community Guidelines. Prior to approval by the Board of Directors, dock construction requests must have been reviewed and approved by the Covenants and Lake Management Committees for compliance with MPOA regulations and guidelines pertaining to dock size, design, and location.

- a. Docks shall maintain a low structural profile complimentary to the natural setting of the area so that they minimize any disruption of the natural shoreline and flow of water.
- b. The Lake Montclair Master Dock Listing included in Article 5 of the Montclair Architectural Guidelines identifies those homeowner lots within Montclair for which docks and shoreline improvements may be approved.
- c. There shall only be one dock per authorized lot.
- d. Any current dock approved by the previous owner of the lake, Second Montclair Corporation, shall comply with the requirements for insurance and the annual MPOA Dock and Shoreline Improvement Permit described in this guideline.
- e. Docks and shoreline improvements may convey to subsequent owners provided the new owners comply with all provisions herein.
- f. Chesapeake Bay Preservation Act Restrictions: The Chesapeake Bay Preservation Act of 1988 (the Act) established shoreline protection buffers termed Resource Protection Areas (RPAs) along all waterways that feed into the Chesapeake Bay. Prince William County adopted the Chesapeake Bay Preservation Act into its local ordinance in 1990. Within Montclair, RPAs include the land areas within 100-feet of the Lake Montclair shoreline.
 1. In accordance with the Act as incorporated into the Prince William County Ordinance, any construction within 100 feet of the Lake Montclair shoreline requires approval of the Prince William County Department of Public Works. This approval must accompany PIRs for docks and shoreline improvements.
 2. In accordance with the Act and only upon approval by the MPOA Board of Directors, owners may selectively remove vegetation from their property: for water dependent uses such as docks; to create a water access path; to remove dead, dying or diseased trees and shrubs; to remove noxious weeds or invasive exotic plants; and to provide limited water views provided that removed vegetation must be replaced with other low-growing vegetation to provide equivalent water quality protection.
- g. Dock Dimensions, Placement, Anchoring, and Amenities:
 1. Stationary docks may not extend any further than 12 feet into the lake and be no more than 18 feet wide.
 2. Floating docks may not extend any further than 14 feet into the lake and be no more than 18 feet wide.
 3. Docks may not be located within 12 feet of an Owner’s side lot boundary lines extended to the 189-foot elevation contour line of the lakeshore.
 4. Docks shall be secured to the shoreline. Generally, docks should be constructed from the shoreline; floating docks will be reviewed on an individual basis for all properties abutting Lake Montclair. An anchoring system must be submitted with a PIR for a floating dock. Floating docks may not be removed from the water or stored on the shoreline.
 5. No dock shall abut a neighboring dock to create a boardwalk. Joint venture docks are only permitted for certain Island Homeowners Association (IHA) docks as described in the IHA Master Dock Plan.
 6. Docks may have low rails and toolboxes in the form of a solid bench. A single shaded pole light, which shines solely within the perimeter of the dock itself, is permitted.
 7. Stairways and walkways that traverse the 100-foot RPA buffer may not exceed 42 inches in width.
 8. Items such as sheds, gazebos, boat-landing covers, electronic insect traps, tires used as bumpers, and speaker systems are not allowed on docks.
 9. The owner is solely responsible for the safety and structural integrity of the dock.
 10. Dock owners are responsible for displaying an MPOA assigned Dock Number, clearly visible on the dock from waterside approach.
- h. Dock Construction and Repair Provisions:
 1. MPOA PIRs are required for all docks on Lake Montclair.
 2. Prince William County Building permits are required for the construction of new docks; whenever structural changes are made to an existing dock; or the dock is being rebuilt or re-anchored.
 3. Replacing worn boards, resurfacing, refurbishing, and refinishing existing docks do not require Prince William County Building permits. However, any change, replacement, or repair of greater than 30 percent of an existing dock requires a PIR containing the information requested below pertaining to PIRs for refinishing, resurfacing, and refurbishing existing docks.
 4. Information to be included with PIRs for construction for docks:
 - a) Site plan and survey of the property abutting the lake, annotated with 189-foot elevation contour and showing the relationship of dock to the property boundaries and adjacent docks.
 - b) Drawing of the proposed dock.

5.4.8 Docks, Piers and Wharves (continued).

- c) Description of materials, including color; natural earth tones preferred (Oil-based paints or stains are not permitted).
 - d) Applicable County permits (i.e. Building or Electrical).
 - e) Proof of \$1,000,000 liability insurance coverage with MPOA listed as additional insured and certificate holder.
 - f) MPOA Dock and Shoreline Improvement Permit Application.
- 5. Information to be included with PIRs for refinishing, resurfacing and refurbishing of greater than 30% of an existing dock:
 - a) Site plan, denoted with 189-foot elevation contour, and showing relationship of dock to the property boundaries and adjacent docks.
 - b) Drawing of existing dock.
 - c) Description of materials, including color; Natural earth tones preferred (Oil-based paints or stains are not permitted).
- i. Shoreline Improvements: Shoreline improvements include all improvements other than docks between the property boundary lines of a lot eligible for a dock and Lake's water surface. All such improvements are subject to provisions in this section to include: Chesapeake Bay Preservation Act Restrictions; general liability insurance requirements; and annual MPOA Dock and Shoreline Improvement Permit requirements. This provision includes, but is not limited to: stairways, walkways, fences, landings, irrigation systems, boat racks, etc. between the property boundary lines of a lot eligible for a dock and the Lake's water surface, regardless of whether or not a dock is in place. As with docks, PIRs are required. A single MPOA Dock and Shoreline Improvement Permit may include an owner's dock and any associated shoreline improvements approved under provisions of this section.
- j. Insurance Requirements: All dock owners (including sub-associations that request community docks) and owners of shoreline improvements described herein will be required to provide MPOA with proof of valid general liability insurance coverage of not less than one million dollars (\$1,000,000), and must list the MPOA as a certificate holder or as additional insured when available through the insurance carrier.
 - 1. Owners with insurance carriers providing the necessary coverage but unable to have MPOA listed as a certificate holder or additional insured will be required to provide MPOA a copy of a letter signed by the Insurance Provider addressed to the Owner indicating that coverage is in place for a current annual period, and that the carrier will not provide the requested services (certificate holder or additional insured), and that the Insurance Provider will provide MPOA with notice of any change to or cancellation or renewal of the policy. Property owners will obtain all applicable county permits and will accept liability for any damages that may occur to sewer lines, other utilities, or other MPOA property.
 - 2. In the event of a lapse of the \$1,000,000 liability insurance, the MPOA will take immediate legal action requiring the homeowner to remove the dock and/or shoreline improvements, or may take action to have these removed at the homeowner's expense, or take any other action as authorized by law or the Association documents. The lot owner will be responsible for all costs, including attorneys' fees, in the event of any such action.
 - 3. This \$1,000,000 insurance must remain in force for the entire duration of ownership of the lot if a dock and/or shoreline improvements are in place.
- k. Dock and Shoreline Improvement Permits:
 - 1. MPOA Dock and Shoreline Improvement Permits are required for all docks on Lake Montclair and any Common Area improvements between the property boundary lines of a lot eligible for a dock and Lake's water surface. This permit constitutes a license agreement between MPOA and the homeowner for the dock and other shoreline improvements, and is intended to be temporary in nature.
 - 2. MPOA may terminate or modify the license hereby granted at any time in the event of any violation of this permit or in the event the Board of Directors, in its sole discretion, determines it necessary or in the best interest of the Association to do so. In the event of termination of the license or this permit, the Owner shall promptly remove all docks and/or shoreline improvements and restore the licensed area to its condition prior to the modifications contemplated by this permit.
 - 3. The MPOA Dock and Shoreline Improvement Permit must be renewed annually. Owners must be current in annual assessments and have no outstanding dock or shoreline improvement violations at the time of renewal. Owners must submit the renewal permit between October 1st and October 31st. Renewal fee is \$5.00 (no cash accepted) when renewed by October 31. There will be a \$200 late fee unless there is proof by November 10 that insurance was in effect since November 1st of that year. An owner who fails to submit a complete annual Dock and Shoreline Improvement Permit Application, pay the annual renewal fee, and/or provide proof of required insurance by November 10th will be referred to legal counsel for immediate action to cause the removal of the owner's dock from Lake Montclair and all shoreline improvements from the Common Area. Additionally, the Association shall be entitled to recover all unpaid fees and all costs, including attorneys' fees, associated with the removal and with any legal actions to affect removal.
 - 4. Upon initial or renewal permit application, homeowners must submit proof of at least \$1,000,000 liability insurance in the form of the declaration page, and must list the MPOA as a certificate holder and as additional insured when available through the insurance carrier as described above.
 - 5. Per the terms of the Dock and Shoreline Improvement Permit, owners must agree to waive any claim against the MPOA from any liability relating to the dock and/or Shoreline Improvements, including but not limited to personal and property damage, and damage due to raising or lowering the water level in Lake Montclair.
- l. Sub-Association Dock Restrictions:
 - 1. The Island Homeowners Association: The Island Homeowners Association (IHA) Master Dock Plan allows certain joint venture docks with a maximum allowable size of 12 feet by 14 feet. No walkways to docks are allowed. Low voltage
 - 2. walk lights (such as Malibu lights) are allowed along the descending stairs leading to docks. The IHA Master Dock Plan limits dock size dimensions to 8 feet by 12 feet. IHA dock owners must comply with both MPOA and IHA restrictions.

5.4.8 Docks, Piers and Wharves (continued).

3. Water's Edge and Southlake Landing Townhome Associations: Southlake Landing and Water's Edge Townhome Associations may have community docks, which shall be approved on an individual basis.
- m. Failure to comply with these guidelines shall be grounds for forfeiture of permission to have and maintain a dock upon Lake Montclair and or shoreline improvements described herein, with the removal of same to be at the option of the MPOA with all costs and fees at the owner's expense. Acceptance of the terms of the MPOA Dock and Shoreline Improvement Permit shall be sufficient proof of acknowledgment of these restrictions and liabilities.

5.4.9 Dog Houses and Dog Runs.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Dog runs constructed with chain link fencing must be located inside solid privacy fencing.
- b. Any visible dog run shall meet the criteria for fencing.
- c. Doghouses should be designed and located to be visually unobtrusive.
- d. Doghouses must be constructed with materials compatible with existing dwelling in style, material, and color.
- e. **For Water's Edge Townhome Association,** Dog houses and dog runs are not permitted.

Information to be included with the PIR:

- Property plat indicating the location of the proposed structure in relation to the existing dwelling and property line;
- Picture and/or detailed drawing of the dog house/run, to include dimensions;
- Description of the material and color of the dog house/run;
- Landscape plans to compliment and/or screen the dog house/run; and
- Estimated completion date.

5.4.10 Doors, Entry/Storm and Garage.

Pre-Approved: Full view, clear glass storm doors in white.

Quick Track: Full view, clear glass storm doors that match the front door color or trim color of the house and doors, entry/storm.

Replacement of garage doors which are like for like except for new materials and meeting the Requirements and Restrictions below with sub-association approval.

Requirements and Restrictions:

- a. **For Southlake Cove and Southlake Landing:** Only full view glass doors in white or the dominant color of the house are permitted. Full view storm doors with one small dividing bar through the middle are permitted.
- b. **For Southlake Cove and Southlake Landing:** All changes to exterior doors in Southlake Landing and Southlake Cove Townhomes Association which differ from the original door require advance PIR approval of the MPOA and Townhome Association.
- c. **For Northside:** Applications will be reviewed on an individual basis regarding the style and color of the proposed storm door.
- d. **For The Island Homes:** Only full view glass doors in white are permitted on cluster homes.
- e. **For Water's Edge Townhome Association:** Only full-lite, hi-lite, full view with kick plate and self-storing storm doors are authorized. Storm doors must be white or the color of the front door. Only these styles are authorized for solid panel, French, or full glass paned doors. Doors are to be painted as close to the original color as possible or white.
- f. **For Nob Hill Forest Townhomes:** Exterior doors may not deviate from the original solid door style and door color. Only full view glass storm doors or full view storm doors with one small dividing bar through the middle are permitted. Storm door color must be in white or the dominant color of the house.

Information to be included with the PIR:

- Property plat indicating the location of the proposed door;
- Detailed drawings or pictures of the door, to include color; and
- Estimated completion date.

5.4.11 Driveways.

Pre-Approved: Replacement driveway in the same size, color, and material

Quick Track: None

Requirements and Restrictions:

- a. The concrete apron is the responsibility of VDOT. Any changes to the apron must be either completed by VDOT or the homeowner must have approval from VDOT.
- b.

5.4.11 Driveways (continued).

- c. Stamped concrete driveways will be considered on a case by case basis to determine the impact the driveway will have in correlation to neighboring properties.
- d. All driveways (to include widening) must maintain at least a 5 foot side yard setback. Exceptions to the setback will be considered on a case by case basis.

Information to be included with the PIR:

- Property plat indicating the location of the new driveway in relation to the property lines;
- Description of materials to be used;
- For stamped concrete driveways, a photo or brochure of the pattern to include color;
- A grading plan if applicable;

5.4.12 Electronic & Propane Insect Traps.

Pre-Approved: None

Quick Track: Electronic and propane insect traps meeting the Requirements and Restrictions below.

Requirements and Restrictions:

- a. No electronic or propane insect trap shall be allowed in front of, or on the front porch of any home.
- b. No such device shall be installed or maintained in such a manner as to cause a nuisance, visual or audible, to adjacent residents.

Information to be included with the PIR:

- Property plat indicating the location of the proposed electronic or propane insect trap;
- Detailed picture or drawing of the insect trap; and
- Estimated completion date.

5.4.13 Fences for Single Family Homes (see Appendix A).

Pre-Approved: None

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Fences constructed of pressure treated wood are to be left to either weather naturally or stained in a semi-transparent stain in a natural wood color. Redwood stains, paint or solid stains of natural wood color which aesthetically blend with the home and neighborhood will be considered on an individual basis. Wrought iron, aluminum and vinyl/composite fences and gates will be considered on an individual basis.
- b. Fences must be constructed so that the finished side faces the surrounding properties.
- c. Fences must tie into neighboring fences, if applicable.
- d. Fences must be placed against the property line or a minimum of ten feet inside the property line. The property owner, not MPOA, is responsible for locating the property lines. A professional survey is strongly encouraged prior to construction.
- e. Fences shall be restricted to the side and rear yards, with none extending beyond the front of the house. Wherever feasible, fences should begin a minimum of five feet from the front corners of the house, preferably at the rear corners.
- f. Fences may not exceed 6' in height at any point.
- g. Fences greater than four feet in height must have a symmetrical dip, scalloped top, decorative lattice portion at the top of the fence, dog-eared straight top, or flat straight top.
- h. No fence can be positioned to hinder traffic visibility.
- i. Only vinyl coated green, brown, or black wire security liners that do not extend above the fence line can be used for split rail fences.
- j. Fences must be installed so that the top of the fence is parallel with the contour of the land.
- k. Fences shall be properly maintained and the Association may require repair or replacement of broken, deteriorated, or discolored fences.
- l. Grandfathered fences not meeting current guidelines must be replaced with an approved style fence when replacement is requested or needed.
- m. For lake front fences:
 - 1. Only split rail fences with two or three rails are permitted.
 - 2. The lot line parallel to the water may not be fenced.
 - 3. Construction of a fence twenty-five feet from the water may be considered. Appropriate landscaping is required for these fences.
 - 4. The use of vinyl coated green or brown wire, no taller than 18" high and no farther than 12" from the shoreline, is permitted to deter wildlife encroachment.
- n. Double fencing: Double fencing is not permitted except in the following situations:
 - 1. Double fencing may be considered if the inset fence was previously approved by the Covenants Committee and installed as approved. In this case, the owner of the approved inset fence is responsible for maintaining the corridor between the two fences.

5.4.13 Fences for Single Family Homes (see Appendix A) (continued).

2. Double fencing may be considered if the owner of a split-rail fence is unwilling to have their fence section replaced or unwilling to install wire lining (for a split-rail fence) by a fence used to contain pets or children.
3. Existing, previously approved, double fencing will be allowed to remain until one of the fences needs to be replaced.

Information to be included with the PIR:

- Property plat indicating the placement of the fence in relationship to the property lines and the dwelling;
- Fence style and material;
- Color;
- Height;
- Landscaping plan, if applicable; and
- Estimated completion date

5.4.14 Fences for Townhomes and Cluster Homes.

Pre-Approved: For Nob Hill Forest Townhomes, Southlake Landing Townhomes, Southlake Cove Townhomes, and Water's Edge Townhomes: Fences may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable.

Quick Track: None

Requirements and Restrictions:

- a. Fences are to be constructed of wood and are to be left to either to weather naturally or stained in a semi-transparent stain in a natural wood color. No redwood stains will be acceptable. Paint or solid stains of natural wood color which aesthetically blend with the home and neighborhood will be considered on an individual basis.
- b. Fences should be placed against the property lines.
- c. Fences must be constructed so that the finished side faces the surrounding properties.
- d. Fences must tie into neighboring fences, if applicable.
- e. Fences must have at least one gate to allow for removal and storage of trash containers.
- f. Fences may not exceed 6' in height at any point.
- g. Fences must be installed so that the top of the fence is parallel with the contour of the land.
- h. **For Alexander Square Townhomes:** Fence style is 6', alternating board-on-board with a straight top.
- i. **For the Island Homes:** Single-family homes may have fences which comply with the guidelines for single-family homes. Cluster homes are not permitted fences.
- j. **For Nob Hill Forest Townhomes:** Fence style is 6', alternating board-on-board with a straight top. End unit townhome fencing may only begin midway between the front and rear corners of the unit or at the rear corner. Fencing cannot extend into or block the ingress-egress utility easements between end townhome units. All colors must be approved by the Townhome Sub association.
- k. **For Northside Townhomes:** Fence style is 6', alternating board-on-board with a straight top. No redwood stains, paint, or solid stains will be acceptable.
- l. **For Water's Edge Townhomes:**
 1. Landscaping alternatives to the use of fences are encouraged. All fences must be 6', alternating board-on-board with a straight top. Gates must match the style and height of the fence.
 2. For units that back to a wooded area or to Lake Montclair, the rear lot line may have a three-foot fence with a symmetrical dip at the two corners that abut the 6' side sections.
- m. **For Southlake Landing Townhomes:**
 1. Fence style is 6', alternating board-on-board with a straight top.
 2. For units that back to a wooded area, the rear lot line may have a three-foot fence with a symmetrical dip at the two corners that abut the 6' side sections.
 3. Townhomes whose rears are exposed to the rear of other townhomes are restricted to a 6' fence on the rear fence line.
 4. End unit tri-level (units with basements) townhome fencing is restricted to the rear of the building. It may extend from the rear of the building to the side property line, but may not extend forward along the side property line past the rear corner of the building.
 5. Waterfront townhomes are only authorized a fence with 6' tall sides extending twelve feet from the rear corner of the house, then symmetrically dipping to three-feet to the rear fence line, then continuing at three-feet across the rear.
 6. Gates will be of the same height and style as the fence.
 7. All colors must be approved by the Townhome Sub association.
- n. **For Southlake Cove and Knolls Townhomes:**
 1. Fence style is 6', alternating board-on-board with a straight top.
 2. Townhomes with their rear facing a wood line are authorized fences with 6' height on sides and rear, or the rear may symmetrically dip from 6' in height at the corners to three feet in height.
 3. Townhomes whose rears are exposed to the rear of other townhomes or whose rears face a roadway are restricted to a 6' fence height.
 4. End unit townhome fencing is restricted to the rear of the building. It may extend from rear side property line to the midway point of the building.

5.4.14 Fences for Townhomes and Cluster Homes (continued).

5. Waterfront or water view townhomes are authorized a fence with 6' tall sides extending 12' from the rear corner of the house, then symmetrically dipping to three feet out to the rear fence line, then continuing at three-feet across the rear.
6. Fence gates are required in an enclosed back yard. Gates will be constructed at a height within six inches of the height of the fence on either immediate side.
7. Townhomes whose rear yard faces a retaining wall (as in the Knolls) shall construct their fence so that no part of the fence or other structure extends into the three-foot maintenance easement on either side of the retaining wall, as specified by the plat.
8. For the special case of "split-end units" in Southlake Knolls (double end units with two doors on the end of the building): Units with the side windows facing the street and/or on the front of the block and no backyard fence of any sort will be permitted. Split-end units with the side of the home facing the back of the building, and/or the rear of the block—the yard parallel to the other backyards may be fenced. The fence may extend from the side of the building to the property line but may not extend forward past the front of the unit (the side with the front door).
9. All other colors must be approved by the Southlake Cove Townhomes Association.

Information to be included with the PIR:

- Property plat indicating the placement of the fence in relationship to the property lines and the dwelling;
- Fence style and material;
- Stain Color Sample
- Height;
- Landscaping plan, if applicable; and
- Estimated completion date.

5.4.15 Fire Pits, Grills & Cookers.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. **For Southlake Landing:** Fire pits, both portable or in-ground, are prohibited in townhome yards or common areas. Portable grills and cookers are limited to rear yards and not allowed in front yards, on sidewalks, streets or parking spaces
- b. **For Nob Hill:** Fire pits, both portable or in-ground, are prohibited in townhome yards or common areas. Portable grills and cookers are limited to rear yards and not allowed in front yards, on sidewalks streets or parking spaces.
- c. **For Southlake Cove:** Fire pits, both portable or in-ground, are prohibited in townhome yards or common areas. Portable grills, smokers, cookers, and the like, are limited to rear yards and not allowed in front yards, on sidewalks, streets or parking spaces.

5.4.16 Firewood.

Pre-Approved: Firewood stacks that meet all of the following requirements and restrictions do not need a PIR.

Quick Track: None

Requirements and Restrictions:

- a. Firewood must be neatly and inconspicuously stored in a stack of six feet or less in height.
- b. Firewood stacks may not contain logs over four feet in length.
- c. Stacks must be located to the rear or side of the residence.
- d. Firewood stacks may not abut a perimeter fence to cause the fence to lean or decay.
- e. Stacks of more than two cords of wood per single family home and one cord for town homes require a PIR and may also require screening
- f. Firewood stacks must be located at least 5 feet from rear and side property lines if there is no fence on that property line.
- g. **Firewood may not be stacked or stored in common areas, except in the area behind The Island Homes cluster homes.**
- h. **For Southlake Landing, Southlake Cove and Nob Hill:** Firewood must be stored to the rear of the townhome. End unit townhomes must screen these items from front and side view.
- i. **For Water's Edge Townhouse Association:** Firewood is to be stored as far away from the townhouse as possible. If the yard is fenced, the wood is to be placed inside the fence. If the yard is not fenced, the wood is to be placed at the furthest point away from the townhouse on the common fence or near the townhouse rear property line. Wood is not to be stored in front yards, side yards, or common ground property.

Information to be included with PIR:

- Property plat indicating the location and dimensions of the stack of firewood and
- Screening or landscaping plan, if applicable.

5.4.17 Flagpoles.

Pre-Approved: No approval is required for holders for temporary flags or banners provided such holders attach to the residence or an approved addition, and do not extend more than 6” from such residence or approved addition, before the temporary flag or banner is attached. No approval is required for a single, free-standing garden flag holder provided the holder is no taller than 40”. The maximum number of such flagpoles, including garden flag holders, is 2 for any single family home and 1 for any townhome, cluster home, or duplex.

Quick Track: None

Requirements and Restrictions:

- a. Permanent, freestanding flagpoles must be installed and maintained in a vertical position.
- b. Only one freestanding flagpole is permitted per lot or dock.
- c. **For Water’s Edge Townhome Association:** Freestanding flagpoles are not allowed in this community.

Information to be included with PIR:

- Property plat indicating the location of the flagpole in relationship to the property lines and dwelling and
- Details of the flagpole to include color, height, material, etc.

5.4.18 Garage Sales/Yard Sales. Garage sales and yard sales are restricted to the confines of that owner’s lot. A shared driveway or pipe-stem may not be used to conduct a yard/garage sale unless written consent has been obtained from all neighboring property owners who utilize that driveway or pipe-stem. A homeowner may conduct a garage sale or a yard sale up to four times per 12-month period. Homeowners must follow all MPOA signage guidelines when advertising the garage/yard sale.

5.4.19 Gardens (to include Vegetable Gardens).

Pre-Approved: Gardens that meet the following requirements and restrictions do not require a PIR.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Located between the rear line of the dwelling and the rear property line and covers less than 25% of the open area;
- b. Located on the side of the house and does not exceed 4’ out from the foundation;
- c. Does not adversely impact or damage abutting property in terms of weed growth, unsightliness, adverse drainage, etc.; and
- d. Raised gardens can be no more than 12” above the grade of the surrounding area;
- e. For vegetable gardens, animal deterrent materials may be used up to a height of the plant’s full maturity, but must be removed at the end of the growing season.
- f. **For Water’s Edge Townhome Association,** Butterfly and ornamental landscaping are permitted in front, rear, and side yards. Vegetable gardens are limited to backyards only.

Information to be included with PIR:

- Property plat indicating the location of the garden in relationship to the property lines, dwelling, and adjacent properties; and
- Description of the size, type, and quantity of shrubs, flowers, or trees to be planted, and edging, if any, to be used.

5.4.20 Gazebos.

Pre-Approved: None

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Gazebos must be located in the rear yard and at least 5 feet from side and rear property lines
- b. The location of a gazebo should not adversely affect views, light, winter sun, natural water flow or natural ventilation of adjacent properties or views of the lake.
- c. Gazebos shall match the trim or dominant color of the house or be in an earth tone.
- d. Shingles on the gazebo must match the shingles of the existing home.
- e. Gazebos cannot extend higher than 11 feet at the peak and are limited to 100 sq. ft. (10 x 10)
- f. **For Water’s Edge Townhome Association,** Gazebos are not permitted.

5.4.20 Gazebos (continued).

Information to be included with PIR:

- Property plat indicating the location of the canopy in relationship to the property lines and dwelling;
- Description of size, color, materials, and framing;
- Photographs, brochures, building plans showing colors and construction details

5.4.21 Gutters and Downspouts.

Pre-Approved: Replacing the gutters and downspouts in the existing style, material, and color.

Quick Track: Gutters and downspouts meeting the Requirements and Restrictions below.

Requirements and Restrictions:

- a. Corrugated plastic tubing in lengths over four feet, used to direct downspout flow, must be concealed.
- b. Downspouts and tubing may not be placed so as to adversely affect drainage onto sidewalks or adjacent properties.
- c. **For Water's Edge Townhome Association**, gutters and downspouts must be white and in the existing style and material.

Information to be included with PIR:

- Description of replacement gutters and downspouts to include: style, material, and color.

5.4.22 Hot Tubs and Spas.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Hot tubs and spas must be located to the rear of the dwelling;
- b. A locking cover is required for any hot tub or spa that is located in a rear yard that does not have a 6' fence;
- c. A hot tub or spa must be an integral part of the deck, patio, or landscaping and may require screening;
- d. Spas and hot tubs may not require a six-foot fence if the deck or platform on which it is located is at least three feet above the ground, has three-foot rails, and is secured with a locked gate above the steps that lead to the deck from the ground level.
- e. Hot tub and spa owners should contact Prince William County regarding the correct procedure for dumping water from their hot tub or spa. Hot tub and spa water shall not be dumped into Lake Montclair, the storm water drains, or common area.

Information to be included with PIR:

- Property plat indicating the location of the hot tub/spa in relation to the dwelling;
- Detailed drawings and plans of the hot tub/spa, deck area, lighting, walkways, fences, etc., and pertinent information concerning water supply system, drainage, and water disposal system;
- Landscaping and screening, if any;
- Size, color, and details of locking cover, if applicable; and
- Estimated completion date.

5.4.23 House Numbers.

Pre-Approved: Numbers six inches or less in height, placed on the house, and meet all of the following requirements and restrictions do not require a PIR.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. House numbers are required on both the mailbox and the house itself, and is highly recommended to be painted on the curb for emergency/medical reasons.
- b. House numbers should be legible, easily visible from the street, and of a size and color appropriate for the mailbox and house.
- c. Decals or press-on numbers are not permitted on houses.

Information to be included with PIR:

- A picture or drawing of the numbers showing the dimensions and colors, including an elevation drawing of the house with their location.

5.4.24 Landscaping.

Pre-Approved:

- a. Landscaping
 1. Foundation planting (bed areas surrounding the home)
 2. Planting trees or shrubs
 3. Plantings that cover less than 25% of the open area of the lot;
 4. Shredded hard wood, pine bark, pine needle, or cocoa mulch;
 5. Evergreen plant materials used for the purpose of ground cover, such as ivy, pachysandra, myrtle, or low growing junipers, etc.;
 6. Natural colored stone, evergreen ground cover or mulch used under a raised deck in an area the same dimensions as the deck above.
 7. **For Water's Edge Townhome Association:** Bushes in front of townhomes must be replaced with Evergreen foundation plants/shrubs (i.e. boxwoods, azaleas, holly and arborvitae bushes) and must be present along the entire length of the front facing windows of all townhomes. Shrubs/bushes should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawns must not exceed 6 inches in height. Only edging of wood, stone, or mulch is acceptable in front or side yards.
 8. **For Southlake Cove,** Evergreen foundation plants/shrubbery are required and must be present along the front facing foundations of all townhomes. Plant/shrubs should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawn turf must not exceed 6 inches in height. Only edging of wood, stone or mulch is acceptable in front and side yards. If shrubbery is removed along the foundation, it must be replaced with shrubbery. Only one tree is allowed in each front yard, but not required.
- b. Landscape Edging
 1. Natural wood timbers no greater than twelve inches high;
 2. Natural wood edging with straight top edge installed no higher than four inches above ground level;
 3. White, gray, and dark earth tone brick installed horizontally or on the diagonal, no higher than four inches above ground level (this does not include construction grade brick i.e. with holes through them);
 4. Natural rock borders or brick borders less than 24" high; and
 5. Black plastic barrier edging when installed so that no more than rolled top is exposed.

Quick Track: None

Requirements and Restrictions:

- a. Bare ground, cement, or asphalt in lieu of grass, mulching, or ground cover, is not permitted.
- b. Edging of wire, metal, and/or plastic, above ground level will be evaluated on an as-needed basis.
- c. No tree, hedge, or shrub may be planted or maintained in such manner as to obstruct pathways, sidewalks, or sight lines for vehicular traffic or to interfere with the purpose for which easements are established, as to installation, maintenance, or access.
- d. No tree, hedge, or shrub may be planted or maintained in such a manner as to encroach on any neighboring property or common area.
- e. No plantings of any kind are permitted on MPOA common ground without PRIOR express written approval from the MPOA BOD.
- f. Foundation plantings are required in the front of any home whose foundation wall is exposed more than 18 inches.
- g. All plants/shrubs within view shall be neatly trimmed and well maintained.
- h. **For all lakefront/waterfront properties:** You must contact the Prince William County Watershed Management Branch and obtain approval from that department to remove any vegetation from the Resource Protection Area (RPA) buffer zone. Such approval must be provided to the MPOA.
- i. **For Water's Edge Townhome Association:** Evergreen foundation plants/shrubs (i.e. boxwoods, azaleas, holly and arborvitae bushes) are required and must be present along the entire length of the front facing windows of all townhomes. Plants/shrubs should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawns must not exceed 6 inches in height. Only edging of wood, stone, or mulch is acceptable in front or side yards.
- j. **For Southlake Landing:** Evergreen foundation plants/shrubbery are required and must be present along the entire front facing windows of all townhomes. Plant/shrubs should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawn turf must not exceed 6 inches in height. Only edging of wood, stone or mulch is acceptable in front and side yards. If shrubbery is removed along the foundation, it must be replaced with shrubbery. Only one tree is allowed in each front yard.
- k. **For Nob Hill Forest Townhomes:** Evergreen foundation plants/shrubbery are required and must be present along the entire front facing windows of all townhomes. Plant/shrubs should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Houses with full length front porches must trim plants/shrubs to below the bottom horizontal railing on the porch. Lawn turf must not exceed 6 inches in height. Only edging of wood, stone or mulch is acceptable in front and side yards. If shrubbery is removed along the foundation, it must be replaced with shrubbery. Only one tree is allowed in each front yard.

Information to be included with PIR:

- Description of the size, type, and quantity of shrubs, flowers, or trees to be planted, and edging, if any, to be used; and
- Site plan, showing the relationship of the plantings to the house and adjacent dwellings.

5.4.25 Lighting.

Pre-Approved:

- a. Low voltage landscape lights not higher than 18", evenly spaced, with concealed wiring.
- b. Incandescent spotlights on the rear of the house that must be directed to shine inside the property line (may operate on a motion detector).
- c. Replacing existing lighting in the same style, color, and material.
- d. Temporary lighting, not directed outside the resident's property, intended to illuminate an American Flag.

Quick Track: None

Requirements and Restrictions:

- a. No exterior lighting shall be directed outside the applicant's property
- b. **For the Island Homes:** Replacement of the exterior lamppost for cluster homes should conform to the original fixture as closely as possible. This requires a black lamppost with a lighting fixture combining clear glass with polished brass approximately 16 inches high by 9 inches wide. A PIR for replacement of the exterior lamppost is required.
- c. **For Water's Edge Townhome Association:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection replacements similar to the original lights are encouraged to enhance security within the community.
- d. **For Southlake Landing:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection and Photo-sensor replacements similar to the original lights are encouraged to enhance security within the community.
- e. **For Nob Hill Forest Townhomes:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection and Photo-sensor replacements similar to the original lights are encouraged to enhance security within the community. Yard lights must be maintained and operational with only non-color bulbs.
- f. **For Southlake Cove:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection and Photo-sensor replacements similar to the original lights are encouraged to enhance security within the community.

Information to be included with PIR:

- Property plat indicating the location of the light fixture and
- Description of lighting to include style, color, and material of the light fixture(s), wattage, height of the light fixture(s) above ground, and location on the property.

5.4.26 Mailboxes and Supports (see Appendix B).

Pre-Approved: Mailboxes and Supports meeting the Requirements and Restrictions below.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Mailboxes shall be standard manufacture, black, metal or plastic, and approximately 6 ½ x 8 ½ x 19 inches in dimension (rural mailbox #1).
- b. Mailbox supports for single family homes shall be made of pressure treated wood, or a wood naturally resistant to rot and decay and must be of the approved style indicated in Appendix B.
- c. Mailbox support size and height must be in compliance with USPS Regulations as defined in the USPS Mailing Standards Domestic Mail Manual, section 632.524, May 2007. (41" to 45" in height from the street surface and setback 6" to 8" from the curb face or edge of road to the mailbox door)
- d. Supports may have a "paper" box similar to that shown in Appendix B.
- e. The wood may be left to weather naturally, treated with a clear sealant, stained dark brown, or painted flat dark brown. No other finishes are acceptable.
- f. Decorative boxes or decorative covers are prohibited.
- g. For single family homes with cluster mailboxes (single support post housing multiple mailboxes), at a time when the mailbox support falls into disrepair and must be replaced, the homeowners have the option of installing an individual mailbox support post for their mailbox.

5.4.27 Major Alterations (see Appendix C). Major alterations include, but are not limited to room additions, porches, greenhouses, driveways, garages, and carports, enclosing an existing patio or deck, and other additions to the dwelling.

Pre-Approved: None

5.4.27 Major Alterations (see Appendix C) (continued).

Requirements and Restrictions:

- a. Construction materials should be stored to minimize the visual effect on surrounding properties;
- b. No debris shall accumulate during construction. Excess material must be removed immediately and disposed of properly;
- c. Reference MPOA Declaration, Section 6.7, Foundation and Masonry Walls for all major alterations that require a solid foundation.
- d. **For all Sub-Associations**, all requests for major exterior alterations and additions must be approved by the Sub-Association Board; and
- e. **For Water's Edge Townhome Association**, front stoops/porches may be enclosed with railings or lattice on a case-by-case basis.
- f. **For Heritage Series Homes**, any accessory additions must be completed in the same exterior materials, colors, and style of the house, i.e. garages, non-temporary outbuildings.

Information to be included with PIR:

- Property plat indicating the location of the proposed structure in relationship to the property lines, dwelling, and adjacent properties;
- Detailed drawings and plans, including exterior elevations and dimensions;
- Description of materials, including the type of siding on the existing dwelling and the proposed structure, the color and trim of the proposed structure, exterior lighting arrangements, etc.;
- Landscape plans, if applicable; and
- Estimated completion date.

5.4.28 Painting.

Pre-Approved: Repainting or staining a specific object to match a previously approved color.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Color changes require a PIR and apply not only to the house siding, but also to doors, shutters, trim, stoops, porches, steps, and/or other related structures.
- b. A change of exterior color for single family houses should be compatible with and related to the color schemes of the houses in the immediate area.
- c. A change of exterior colors on townhomes must be in conformance with established guidelines or selected from one of the approved townhome unit colors.
- d. **For Heritage Series Homes:** Homes on Golf Club Drive (east of Waterway), Ridgewood Court, Groveside Court, Mimosa Trail, and Hyacinth Place must be painted in colors on the Williamsburg color chart.
- e. **For Island Cluster Homes:** Only the original siding stain and trim paint colors will be used on Island Cluster Homes. The gray stain is McCormick Fairfield 911. The trim paint is McCormick Exterior Luster Latex, Amber White. Other brands are acceptable, but they must match the McCormick colors. No other colors are acceptable. To ensure a match for all stain and paint brands, Island Residents must use sample boards that display these colors available from IHOA Officers. Docks, decks, and steps may be left natural or stained the McCormick Fairfield 911 color. Clear sealers may be applied, but no sealant that contains staining properties, other than McCormick Fairfield 911, is acceptable.
- f. **For Water's Edge Townhome Association:** Exposed foundation is to be painted the color of the vinyl or white siding on the townhouse. Wood trim around windows, roofline, and front door shall be painted white. Cladding of wood trim is recommended but may be replaced with vinyl and authorized in white only. Front concrete stoops (front porches) are not to be painted or covered with outdoor carpet. Front concrete stoops (front porches) are not to be painted or covered with outdoor carpet.
- g. **For Southlake Cove:** Paint colors must be chosen from the McCormick Colonial Exterior Color Collection (formerly McCormick Williamsburg Exterior Color Collection). Other brands are acceptable but they must match the McCormick Colonial colors. When repainting, shutters must be painted in the same style, size and color as the door. Paint colors must be chosen from the McCormick Colonial Exterior collection (formerly McCormick Williamsburg Exterior Color Collection). Other paint brands are acceptable, but they must match the McCormick Colonial exterior colors.
- h. **For Southlake Landing:** When repainting, shutters must be painted in the same color as the door. Paint colors must be chosen from the McCormick Colonial Exterior collection (formerly McCormick Williamsburg Exterior Color Collection). Other paint brands are acceptable, but they must match the McCormick Colonial exterior colors.
- i. **For Nob Hill Forest Townhomes:** Exterior siding, exterior doors and shutters may not deviate from the original colors, unless: when repainting, shutters may be painted in the same color as the door. Paint colors must be chosen from the McCormick Colonial Color Collection (formerly McCormick Williamsburg Exterior Color Collection). Other brands are acceptable, but they must match the McCormick Colonial colors.

Information to be included with PIR:

- A PIR for exterior painting shall contain a list of all exterior colors on the house and appurtenant structures;
- Color sample of the new color to be used; and
- Estimated completion date.

5.4.29 Patios.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Patios should be located in the rear or side yards, but front locations will be evaluated on an individual basis;
- b. A PIR is required for any paint, stain, or colored sealant applied to any wood patio;
- c. If changes in grade are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected; and
- d. Ground-level patios shall not exceed four inches in height above the ground.
- e. **For Southlake Landing:** Screening is required around all ground level patio/decks constructed of, but not limited to concrete, gravel, brick, stone or other material which is in keeping with the strict aesthetic theme of Southlake Landing Town Home Association. Screening will consist of hedging, fencing or other plantings, provided it is consistent with these guidelines and has been approved by the Sub association. Concrete patios are subject to review by the Sub association; and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas.
- f. **For Nob Hill Forest Townhomes:** Screening is required around all ground level patio/decks constructed of, but not limited to concrete, gravel, brick, stone or other material which is in keeping with the strict aesthetic theme of Nob Hill Forest THA. Screening will consist of hedging, fencing or other plantings, provided it is consistent with these guidelines and has been approved by the Subassociation. Concrete patios are subject to review by the Sub association; and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas.
- g. **For Water's Edge Townhome Association:** Rear yard concrete patios are subject to review by the Sub association, and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas. Patios not permitted in front or side yards.
- h. **For Southlake Cove:** Concrete patios are subject to review by the Subassociation; and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas.

Information to be included with PIR:

Property plat indicating the size and location in relationship of the existing house and the property lines;
Description of materials, including color;
Description of grading and drainage changes; and
Estimated completion date.

5.4.30 Permanent Grills.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions: Permanent grills must be placed in the rear of the house and cannot be located within ten feet of the side and rear property lines. For Water's Edge Townhome Association: Permanent grills and fire pits not permitted. Portable grills permitted on upper deck and rear yard only.

Information to be included with the PIR:

- Property plat, showing the relation of the grill to the house and property line;
- Picture and/or detailed drawing of grill, to include dimensions and materials to be used; and
- Estimated completion date.

5.4.31 Privacy Screening.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Privacy screening will only be approved on a small portion of a lot.
- b. Upper level deck partitions on townhomes are permitted and must be painted or stained to match the deck.
- c. Fence styles six feet high are appropriate for privacy screening.
- d. **For Water's Edge Townhome Association:** Privacy wood lattice partitions/screens are permitted on the sides of upper decks. Color must match deck color. Screening made from plastic, vinyl, metal, or solid wood is not permitted.

Information to be included with the PIR:

- Property plat indicating the size and location of the privacy screening in relationship to the property lines and the existing dwelling;
- Description of materials to be used to include color; and
- Estimated completion date.

5.4.32 Propane Tanks.

Pre-Approved: None

Quick Track: Propane tanks meeting the Requirements and Restrictions below.

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Propane tanks will be located to minimize the visual impact on surrounding properties.
- b. Submission of a screening plan with a PIR is required for homes where the propane tank will not be appropriately screened by existing vegetation, fences, or structures.
- c. Propane tanks must not exceed 150 gallons in capacity.
- d. The number of propane tanks permissible per lot will be considered on a case-by-case basis and is subject to need.

Information to be included with PIR:

- Site plan, showing the relation of the propane tank to the house, property line, and proposed screening;
- Color; and
- Dimensions and capacity (gallons) of the propane tank.

5.4.33 Recreation and Play Equipment.

Pre-Approved:

- a. Trampolines in the rear yard of single-family homes.
- b. Portable basketball goals following the criteria noted below.
- c. Portable play equipment in the rear yard of single-family homes.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. With the exception of basketball goals and single seat tree swings recreation and play equipment will only be allowed in rear yards and must be stored out of public view when not in use. Exceptions may be made for topography issues on a case by case basis. **Basketball Goals:** For safety reasons, neither portable nor permanent basketball goals may be placed in a street or within 15 feet of the curb. **When placing a basketball goal safety precautions are to be taken to prevent possible damage to neighboring yards, landscaping and parked vehicles.** No basketball goals of any type are permitted for townhomes, cluster homes and semi-detached (duplex) homes.
- b. **Play complexes:** Play complexes will be considered on a case-by-case basis.
- c. **Playhouses:** Electrical connections, electrical lines, and plumbing are not permitted in playhouses.
- d. **Hammocks:** Hammocks in the rear yard of single-family homes.
- e. **Skateboard Ramps:** No permanent skateboard ramps may be constructed on lots or common areas within Montclair. Portable skateboard ramps must be stored out of public view when not in use.
- f. **Swing Sets:** Must be painted in an earth tone or, if wooden, left natural in color.
- g. **Trampolines:** Trampolines are permitted for Single Family Homes and must be placed in the rear yard. Trampolines are not permitted in Sub-Associations (townhomes or cluster homes).
- h. **Tree Houses:** Tree houses are not allowed in Montclair.
- i. **For Water's Edge Townhomes:** Metal play equipment must be painted in earth tones. Playhouses, swimming pools and other play equipment, permanent or temporary, may only be in fenced rear yards, never in common areas or front or side yards.
- j. **For Southlake Landing and Southlake Cove,** it is recommended that residents of Southlake Landing use the abundant play areas within their sub-association instead of constructing or purchasing their own equipment. In cases where the member insists on having his or her own items, the items must be enclosed by a fence and the highest point of the playhouse, play complex, or swing set must be no taller than the fence. This will obviously be almost impossible where a three foot fence is installed, or along lakefront properties. No skateboard ramps are allowed on lots or common areas. No basketball backboards or other play equipment are allowed on common areas, to include sidewalks, streets and parking spaces. *For Southlake Cove,* No skateboard ramps are allowed on lots or common areas. No basketball backboards or other play equipment are allowed on common areas to include, but not limited to, sidewalks, streets and parking spaces.
- k. **For Nob Hill Forest Townhomes:** Playhouses, temporary removable swimming pools and play equipment may only be placed within rear yards, must not exceed six feet in height, and must be screened by a six-foot rear fence. No skateboard ramps are allowed on lots or common areas. No basketball backboards or other play equipment are allowed on common areas, to include sidewalks, streets and parking spaces.

5.4.33 Recreation and Play Equipment (continued).

Information to be included with the PIR:

- Property plat indicating the location of the structure in relation to the property lines and the dwelling;
- Detailed drawings or pictures of the structure to include, but not limited to: material, size, and color;
- Details of any screening or landscaping plans, if applicable; and
- Estimated completion date.

5.4.34 Retaining Walls.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Retaining walls must be constructed of railroad ties, landscaping timbers, stones, brick, or reinforced concrete with brick veneer.
- b. Walls may not adversely affect drainage.
- c. No wall shall be maintained in such a manner as to obstruct sight lines for vehicular traffic or as to interfere with the purpose for which easements have been established as to installation, maintenance, or access.

Items to be included with PIR:

- Property plat indicating the location of the retaining wall in relationship to the existing dwelling and property lines;
- Detailed drawings of the structure to include, but not limited to: material, size, and color;
- Details of any screening or landscaping plans, if applicable;
- Details of any changes to drainage, if applicable; and
- Estimated completion date.

5.4.35 Roofing.

Pre-Approved: A PIR is not required to replace the roofing in the existing style, material, and color while also meeting the criteria listed below under Requirements and Restrictions (c, d, and e).

Quick Track: None.

Requirements and Restrictions:

- a. A change of roofing for single-family homes should be compatible with the color schemes of the houses in the immediate area.
- b. A change of roofing for townhomes or cluster homes should be in conformance with established guidelines or selected from one of the existing townhome or cluster home unit colors.
- c. **For the Island Cluster Homes:** Only cedar shake roofs or Enviroshake synthetic shakes (MT100) to be installed at staggered widths on Island Cluster Homes are acceptable. The Island Board of Directors can provide names of installers.
- d. **For Water's Edge Townhome Association:** Shingles must be standard 3-tab style forest or medium gray, as close to the original color as possible.
- e. **For Southlake Landing:** Shingles must be original style and color of the existing roofing, or match as closely as possible to the original roofing.
- f. **For Nob Hill Forest Townhomes:** Shingles must be original style and color of the existing roofing, or match as closely as possible to the original roofing.
- g. **For Southlake Cove:** Shingles must be original style and color of the existing roofing, or match as closely as possible to the original roofing.

Items to be included with the PIR:

Description of roofing to include style, material, and color; and
Estimated completion date.

5.4.36 Satellite Dishes & Antennas.

Pre-Approved:

- a. Do not exceed 1 meter or 39" in diameter;
- b. Located on the rear roof below the peak line; and
- c. Properly installed so that the wiring is tightly secured to the mounting surface in the event that the wiring cannot be tucked under the trim or siding to minimize visual impact.
- d. Antennas: None

Quick Track:

- Satellite dishes that meet all of the Pre-Approved requirements except the location of the dish
- Antennas: None

5.4.36 Satellite Dishes & Antennas (continued).

Requirements and Restrictions:

- a. Exterior antennas, with the exception of satellite dish antennas, must be affixed to the house, and may not exceed 12 feet in height from the peak of the roof and shall be on a single pole.
- b. No existing tree or vegetation shall be completely removed to accommodate satellite dish installation or reception. Trimming or pruning is acceptable if the tree or vegetation is within the homeowner's lot.
- c. Screening (fencing, shrubbery, etc.) may be requested in order to render the installation as inoffensive as possible to other owners and residents.
- d. Antennas:
 - Must be affixed to the house; and
 - may not exceed 12 feet in height from the peak of the roof; and
 - shall be on a single pole.
 - No existing tree or vegetation shall be removed to accommodate antenna installation or reception.
 - Screening (fencing, shrubbery, etc.) may be required in order to render the installation as inoffensive as possible to other owners and residents.

Items to be included with PIR:

- Property plat indicating the location of the proposed satellite dish or antenna in relationship to the existing dwelling, property lines, and adjacent properties;
- Landscaping plan, if applicable; and
- Estimated completion date.

5.4.37 Seawalls, Bulkheads, Rip-rap, and Culverts. Definitions: A "seawall" is any structure that is placed onto or into the ground for the purpose of preventing soil erosion caused by surface or sub-surface wave action. A "bulkhead" is any structure that is placed onto or into the ground for the purpose of preventing soil erosion caused by natural or man-made water flow upon the surface of the ground. "Rip-rap" is a sustaining wall of loose stone used to prevent erosion. A "culvert" is a channel of rock, cement, or other material, which serves to drain a section of land.

Pre-Approved: Vegetated shorelines only.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. **Construction:** A number of options are available for managing shoreline erosion and one size does not fit all. Some of the considerations include: the severity of the existing shoreline erosion, access to the lake, the slope / depth of the existing shoreline/bottom, sun exposure /orientation, aesthetics and budget.
 1. Vegetated shorelines can provide erosion protection while allowing the natural shoreline ecosystem to flourish. There are effective alternatives to shoreline hardening with rocks and rip rap. Vegetative and bioengineering solutions (biologs) stabilize the shoreline, provide aquatic wildlife habitat, and create beautiful landscapes of varied textures, colors, and flowers. Vegetated shorelines also filter lawn runoff and uptake nutrients prior to the runoff entering the lakes. This nutrient uptake will help to reduce algal growth.
 2. Shoreline hardening practices such as bulkheading have several drawbacks. The structure may only absorb 20 percent of the wave's energy, which means the majority of the energy is forced back out toward the lake and bottom, thus creating scour at the bottom of the structure, or creating accelerated erosion across from or adjacent to the structure.
 3. Riprap (rocks/stone), under most circumstances, adequately stabilizes shorelines and does not share all the negative characteristics of bulkheading, however, it does not provide optimal wildlife and water quality benefits as vegetated shorelines. It is important to always install filter fabric under riprap to prevent soil from washing out from underneath the rocks. Class 1 or Class A1 rip-rap is recommended.
- b. MPOA's primary interest is protecting and improving the long-term health and usefulness of the lake. Extensive vegetated shoreline buffers are essential to maintaining good aquatic habitat and fisheries. Because of the benefits to the lakes' ecology, MPOA places a strong emphasis on the use of vegetative or bioengineering stabilization techniques and encourages the use of these techniques when possible. Riprap will continue to be the preferred application in situations where "softer" solutions are not adequate. However, it is recommended that riprap should be used in combination with vegetation to improve the aesthetic appearance and habitat value. The use of bulkheads is discouraged and will typically be allowed in extreme situations where no other method will adequately stabilize the shoreline, or in short sections to accommodate high usage or access areas.
- c. **Inspections:** The General Manager shall ensure that inspections of seawalls / bulkheads are conducted annually. Deficient structures and those in need of repair shall be reported to the Covenants Department and the property owner. The property owner has 30 days to submit a plan of corrective action to the Covenants Department. The Covenants Department, upon receipt of the deficiency report, will enter the case in its roster of cases pending resolution.
- d. **Replacement:** When shoreline stabilization materials needs replacement, the property owner must submit a PIR, outlining replacement plans, for approval of the design, materials, and construction.

5.4.37 Seawalls, Bulkheads, Rip-rap, and Culverts (continued).

Information to be included with PIR:

- Prince William County Building Permit (bulkheads only);
- Site plan, with 189-foot contour denoted;
- Detailed drawings of the structure, to include dimensions and a stamp of approval from a Virginia-licensed, professional engineer (bulkheads only);
- Description of materials to be used; Intended use; and
- Estimated starting and completion dates

5.4.38 Security Cameras.

Pre-Approved: No more than 4 cameras, no larger than six (6) inches in any dimension, may be installed per lot. Cameras' area approved only to monitor lot on which installed.

Quick Track: None

Requirements and Restrictions:

Cameras not meeting the above stipulations can be requested with a PIR application.

5.4.39 Sheds & Outdoor Storage Containers for Single Family Homes.

Pre-Approved: None

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions, Sheds:

- a. A shed is defined as a framed structure (using wood, metal or aluminum studs) that is similar to the architectural style and materials of the home. A shed has a solid foundation, siding (wood, vinyl, planking, or composite equivalent) and a roof that matches the main dwelling. All other structures will be considered outdoor storage containers (defined below).
- b. All sheds must conform with the architectural design of the main dwelling. The siding, trim, roof shingles (except for sheds located under a deck), and colors must match those of the main dwelling.
- c. Sheds will be proportional to the lot size not exceed 1% of the total lot area up to 120 square feet maximum (10x12). and will not be more than 11 feet high at the peak of the roof. For example: A 6,500 square foot lot may have a shed up to 64 square feet 8'x8', A 8,000 square foot lot may have up to a 80 square feet (8'x10') A 10,000 square foot lot may have 100 square feet (10x10) and Lots over 12,000 square feet may have the maximum of 120 square feet (10'x12').

Entire Lot Size (square feet)	Allowable Shed Square Footage	Allowable Shed Footprint
6500	64	8x8
8000	80	8x10
10000	100	10x10
12000	120	10x12

- d. Sheds will not have plumbing, will not be used for dwelling purposes, will not be used as a studio, and will not be used for business uses. They may have electricity only with proper permits and inspections from Prince William County.
- e. Sheds located under an existing deck are not required to have a shingled roof and are not required to have the same pitch as the roof of the dwelling. The entire shed structure must fit completely under the deck. Only one shed or outdoor storage container will be permitted under any deck.
- f. Sheds that are attached to the dwelling shall not have an entryway into the dwelling.
- g. Free standing sheds must be located in the rear yard at a minimum 5 feet from rear and side property lines to include any fencing. Freestanding sheds are sheds not attached to a dwelling or positioned completely under an existing deck. Only one freestanding shed is allowed per Lot.
- h. Sheds may require screening or landscaping to minimize the effect on surrounding properties.

Requirements and Restrictions, Outdoor Storage Containers:

- a. An outdoor storage container is defined as a structure that does NOT meet the description of a shed listed above. Typically these containers are of brand names such as Rubbermaid, Black and Decker, Home Depot, Suncoast, etc. They are permitted only for use on or underneath an existing patio or deck adjacent to the back of the house. No outdoor storage container will be permitted in the back or side yards. The single exception to this restriction relates to PODS (as defined below).
- b. If positioned on a patio or deck, the outdoor storage container will not exceed 61"L x 24"W x 36"H. A maximum of two containers are permitted per Lot.

5.4.39 Sheds & Outdoor Storage Containers for Single Family Homes (continued).

- c. If positioned under a deck, the size and shape of the outdoor storage container may vary. The entire container must fit completely under the deck. Only one shed or outdoor storage container will be permitted under any deck per Lot.
- d. Screening or landscaping may be required to minimize the effects on surrounding properties.
- e. Personal On Demand Storage (PODS) are defined as portable, temporary, outdoor storage containers permitted only to accommodate resident move in and move out.
 - 1. All applicable PWC regulations apply.
 - 2. Only one POD is permitted per Lot not to exceed two weeks in duration. Any extension of the time will be in use must be requested by the homeowner before the initial two week period expires. The homeowner will provide the reason for the extension and a date that the POD will be removed.
 - 3. The POD must be located on the Lot, preference is the Lot's driveway.
 - 4. Written notice specifying the dates of use and diagram of location must be provided to the MPOA Management Company prior to use.
 - 5. The Lot Owner(s) are responsible for the cost and repair of any damage by the placement, storage, and removal of such a container to the Common Area, adjacent property to include Lots, driveways, parking lots, and streets. Owners should require liability coverage from the provider.

Information to be included with PIR:

- Property plat indicating the location of the shed or outdoor storage container in relationship to existing dwelling, any fencing, and the property lines;
- Picture and/or detailed drawing of shed or outdoor storage container and its proposed placement location;
- Dimensions, description of materials used, color samples, and estimated completion/install date; and
- Acknowledgement that the Owner is responsible to obtain all required permits, zoning approvals and surveys before anything is placed or built on the Lot.

5.4.40 Sheds and Outdoor Storage Containers for Townhomes and Cluster Homes (see Appendix D).

Pre-Approved: None

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions, Sheds:

- a. A shed is defined as a framed structure (using wood or aluminum) with a solid foundation, siding (wood, vinyl, planking, composite equivalent, etc.) and a roof (shingles or metal). All other structures will be considered as outdoor storage containers (defined below). Only one shed will be permitted per lot.
- b. Sheds attached to the rear of the dwelling will not exceed 80 square feet in size and will not be more than 8 feet high at the peak of the roof. If there is not an enclosed rear yard, the shed cannot exceed 6 feet deep or extend beyond the builder's privacy panel.
- c. Sheds will not have plumbing, will not be used for dwelling purposes, will not be used as a studio, and will not be used for business uses. They may have electricity only with proper permits and inspections from Prince William County.
- d. Sheds located under an existing deck are not required to have a shingled roof and are not required to have the same pitch as the roof of the dwelling. The entire shed structure must fit completely under the deck.
- e. Sheds that are attached to the dwelling will not have an entryway into the dwelling.
- f. Sheds that are integral with an existing fence must be located against a side fence. The shed cannot exceed 5 feet deep by 12 feet long. The roof height cannot exceed 6 feet.
- g. Sheds that are integral with side stairwell from deck must have horizontal siding to match the townhome siding in color and width. The shed must be located against the fence side of the deck stairs. The area beneath "L" shaped or platform stairs may be enclosed. Sheds of this type must not enclose or obstruct utility meters.
- h. Sheds may require screening or landscaping to minimize the effects on surrounding properties.
- i. Sheds must conform with the architectural design of the main dwelling. The siding, trim, roof shingles (where applicable), and colors must match those of the main dwelling.
- j. **For Southlake Cove:** Change in siding materials, color or style requires approval of the Subassociation.

Requirements and Restrictions, Outdoor Storage Containers

- a. An outdoor storage container is defined as mostly a non-framed structure made from or molded in plastics. Brand names like Rubbermaid, Black and Decker, Home Depot, Suncoast, and similar brand containers fit this category. They are permitted for use on or underneath an existing patio or deck or placed against the rear of the home or against the fence section closest to the home (privacy panel). They are not permitted in any other location in the rear yard. The single exception to this restriction relates to PODS (as defined below).
- b. Outdoor storage containers not exceeding 61"L x 24"W x 36"H may be used on or under an existing deck or patio. A maximum two of these sized containers are permitted per Lot.

5.4.40 Sheds and Outdoor Storage Containers for Townhomes and Cluster Homes (see Appendix D)

(continued).

- c. If positioned under a deck, and against the rear of the home or next to the privacy panel, the container must not exceed 30 square feet and the roof cannot exceed 6 feet in height. They must be earth tone color and designated for outdoor use. Only one shed (as described above) or one outdoor storage container of this size will be permitted per Lot.
- d. Screening or landscaping may be required to minimize the effects on surrounding properties.
- e. Personal On Demand Storage (PODS) are defined as portable, temporary, outdoor storage containers permitted only to accommodate resident move in and move out.
 - 1. All applicable PWC regulations apply.
 - 2. Only one POD is permitted per Lot not to exceed two weeks in duration.
 - 3. The POD must be located in the Owner's designated parking place.
 - 4. Written notice specifying the dates of use and diagram of location must be provided to the MPOA Management Company prior to use. Any extensions of time for use must be requested by the Owner detailing all extenuating circumstances and must include the sub-association's recommendation.
 - 5. The Lot Owner(s) are responsible for the cost and repair of any damage by the placement, storage, and removal of such a container to the Common Area, adjacent property to include Lots, driveways, parking lots, and streets. Owners should require liability coverage from the provider.

Information to be included with PIR:

- Property plat indicating the location of the shed or outdoor storage container in relationship to the existing dwelling, any fencing, and the property lines;
- Picture and/or detailed drawing of shed or outdoor storage container and its proposed placement location;
- Dimensions, description of materials used, color samples, and estimated completion/install date;
- Acknowledgement that the Owner is responsible to obtain all required permits, zoning approvals and surveys before anything is placed or built on the Lot.

5.4.41 Shutters.

Pre-Approved: None.

Quick Track: None.

Requirements and Restrictions:

- a. **For Southlake Landing:** Shutters must be maintained in good repair; and may not be permanently removed from the townhome.
- b. **For Nob Hill Forest Townhomes:** Shutters must be maintained in good repair; and may not be permanently removed from the townhome.
- c. **For Southlake Cove:** Shutters pre-existing on townhomes must be maintained in good repair; and may not be permanently removed from the townhome.

5.4.42 Siding.

Pre-Approved: Replacement siding in the existing style, size and color except for the Heritage Series Homes, Southlake Landing and Southlake Cove homes.

Quick Track: For Heritage Series Homes, replacement siding in the existing color to match the original design siding as used by the builder (wood, aluminum, or vinyl 8" beaded siding).

Requirements and Restrictions:

- a. A change of exterior color for single family houses should be compatible with and related to the color schemes of the houses in the immediate area.
- b. A change of exterior colors on townhomes should be in conformance with established guidelines or selected from one of the approved townhome unit colors.
- c. **For Heritage Series Homes:** Homes on Golf Club Drive (east of Waterway), Ridgewood Court, Groveside Court, Mimosa Trail, and Hyacinth Place must have original design siding as used by the builder (wood, aluminum, or vinyl 8" beaded siding).
- d. **Southlake Cove:** All changes to exterior siding, exterior doors and windows in Southlake Landing and Southlake Cove Townhomes Association which differ from the original siding, doors and windows with mullions or grids, require advance PIR approval of the MPOA and Townhome Association
- e. **For Nob Hill Forest Townhomes:** Exterior siding, exterior doors and shutters may not deviate from the original colors. Siding replacement must be in the original lap-style siding and match as closely in color as possible. Change in siding material requires approval of the Sub association.
- f. **For Southlake Landing:** Change in siding materials or style requires approval of the Sub association.

5.4.42 Siding.

- g. **For Water's Edge Townhome Association:** Painting of vinyl siding is permitted if kept to existing color and paint used must be specifically formulated for vinyl siding.

Information to be included with PIR:

- Description, illustration, or sample of the siding to be used including size, color, material; and
- Estimated completion date.

5.4.43 Signs.

Pre-Approved:

- a. Home security signs not exceeding 12 inches by 12 inches may be placed near the front door. Only one is permitted per property.
- b. Real Estate/Rent signs that meet county specifications and are placed only on the property for sale or rent. The sign shall be promptly removed when the property is sold and settlement of the sale occurs or the property is rented. These signs must not be placed to hinder the sight of pedestrians or vehicular traffic.
- c. "For Sale/Rent by Owner" signs must be the same quality as and may not exceed the size of real estate signs and removed once the property is sold or rented.
- d. Signs the display of which is required by county ordinance incident to construction, reconstruction or other permitted use of any property within Montclair is permitted for the period required by ordinance. Such signs shall be removed at the end of the required period of display.
- e. "Open House" signs are permitted on the day of the open house. They may be placed in common areas within the Montclair community. Balloons and flags may be used if they do not obstruct vehicular sight lines and are securely fastened. Open House signs shall be removed at the end of the day on which the open house is held.
- f. Yard/garage sale signs are permitted for Montclair residents only. They may be posted on the day of the sale. Yard/garage sale signs may not be nailed, glued, or stapled to the road, street, or directional signs in Montclair. All signs shall be removed at the end of the day of the yard/garage sale.
- g. Special occasion signs such as "Happy Birthday" or "Welcome Home" are permitted on any lot or dwelling unit but not on the common areas and must be removed in 24 hours of erection. No more than one such sign is permitted at any one time on any property.
- h. Political campaign signs are not permitted.
- i. Signs with any type of advertisement other than those listed above are not permitted.
- j. The MPOA is not responsible for vandalism to or the upkeep of any approved sign. If a sign falls into disrepair, the MPOA has the authority to ask for its removal or, if located on common property, remove the sign.
- k. Signs for Community Service Organizations – Community service organizations, which meet the following criteria, may submit a request to display logo signs adjacent to the MPOA bulletin boards:
 1. Must be a registered non-profit community service organization in the Montclair community; and
 2. A majority of the membership must be comprised of Montclair residents.
 3. The following guidelines apply to community service organization signs:
 - i. The framework or support for the sign must match the MPOA bulletin board;
 - ii. The logo must be the standard logo for the organization, and its installation must be approved by the Covenants Committee;
 - iii. The installation and upkeep of the sign are the sole responsibility of the organization, subject to modification on the instructions of the General Manager; and
 - iv. No information other than the organization name and logo may be displayed.

Quick Track: None

Information to be included with PIR:

- Name of organization to be displayed and description of organization;
- Location of sign;
- Detailed drawing or description of the sign to include: size, colors, materials to be used for sign and for support posts (if applicable), etc.; and
- Duration of time to be posted.

5.4.44 Solar Panels/Collectors.

Pre-Approved: None

Quick Track: None

5.4.44 Solar Panels/Collectors (continued).

Requirements and Restrictions:

- a. Solar panels placed on the front of the house must be installed flat on the roof with the same pitch as the roof. Supporting members must match the roof color. Piping must not be visible, and no part of the collector may extend above the roof ridgeline.
- b. Rear mount solar collectors may be raised, provided they do not extend above the roof ridgeline and are not visible from the street. The framing and piping, if visible, must match the color of the roof. In some instances, it may be necessary for supporting members to be enclosed.
- c. All solar panels proposed for mounting on lake front homes and other homes visible from the lake shoreline will be flat-mounted and parallel with the roof ridgeline.

Information to be included with PIR:

- Property plat showing the site orientation;
- Roof plan showing the exact location of the proposed collectors on the roof. The drawing must be no less than 1/8" = 1' scale;
- Scale drawing detailing the method of mounting the collector to the roof. The slope of the roof and the collector must be noted;
- Manufacturer's brochures, illustrating the proposed solar panel/collector; and
- Color.

5.4.45 Swimming Pools.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Above ground swimming pools are not permitted.
- b. Swimming pools must be located in the rear yard.
- c. Swimming pools must be enclosed by a 6' fence that meets MPOA fencing criteria, as previously outlined.
- d. Swimming pool water must not be dumped into Lake Montclair, storm water drains, common areas, and adjacent lots.

Information to be included with the PIR:

- Property plat indicating the location of the pool in relationship to the existing dwelling and property lines;
- Detailed drawings and plans of the pool/spa/tub, deck area, lighting, walkways, fences, etc., and pertinent information concerning water supply system, drainage, and water disposal system;
- Landscaping and screening, if any; and
- Estimated completion date.

5.4.46 Trash Storage Containers.

Pre-Approved: None

Quick Track: None

Requirements and Restrictions:

- a. Trash and recycling containers must be stored out of public view from adjacent lots and streets.
- b. Trash and recycling containers may not be stored in the front of any dwelling or on front porches.
- c. Trash in other than covered containers may not be stored outdoors.
- d. Trash and recycling containers, trash bags, and yard waste shall not be placed at curbside before dusk on the day prior to pick-up and must be removed prior to the following day.
- e. **Southlake Cove;** trashcans must be stored to the rear of the townhome, or in the garage. End-unit townhomes must screen these items from front and side view. Exterior trash must always be stored within covered containers in the rear of the townhome. Trash containers must not be stored in side yards or front yards. Trash in confined containers, recycling containers and yard waste shall not be placed at curbside before 4:00 p.m. on the day prior to trash pick-up and must be removed before 11:59 p.m. the same day as trash pick up. Containers may not be stored on front porches.
- f. **For Water's Edge Townhome Association;** Trash must always be stored within covered containers in the rear of the townhome. For end-unit townhomes, trash containers must be screened from front and side view. Trash in covered containers, recycling containers and yard waste shall not be placed at curbside before dusk on the day prior to pick-up and must be removed prior to the following day.
- g. **For Southlake Landing;** Exterior trash must always be stored within covered containers in the rear of the townhome. Trash containers must not be stored in side yards or front yards. Trash in confined containers, recycling containers and yard waste shall not be placed at curbside before dusk on the day prior to pick-up and must be removed prior to the following day. Containers may not be stored on front porches.
- h. **For Nob Hill Forest Townhomes;** Exterior trash must always be stored within covered containers in the rear of the townhome. Trash containers must not be stored in side yards or front yards. Trash in confined containers, recycling containers and yard waste shall not be

5.4.46 Trash Storage Containers.

placed at curbside before dusk on the day prior to pick-up and must be removed prior to the following day. Containers may not be stored on front porches.

5.4.47 Tree Removal.

Pre-Approved: Removal of trees with a diameter (caliper) less than four inches, measured six inches above the ground except for any live vegetation within 100 feet of Lake Montclair (reference Section 5.4.8,a regarding RPA requirements).

Quick Track: In emergencies, the Covenants Director can grant approval for tree removal, provided that he/she inspects the tree to be removed and deems it an imminent threat to life or property.

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. The Covenants Committee must grant approval PRIOR to any tree greater than 4” caliper being removed.
- b. No live vegetation marked “no-cut” areas on the original plans may be cut without PRIOR approval from the Covenants Committee.
- c. The Covenants Committee shall allow the removal of a tree that is obviously dead or diseased beyond recovery.
- d. A comprehensive report on the tree’s condition, health, safety, and/or value by an arborist, urban forester, or other competent tree professional prior to approving or denying a removal request may be required.
- e. Pruning may recommend in lieu of removal.
- f. Removal of tree stumps in the front yard is required. Stumps in other locations may require removal.
- g. Replacement of trees removed may be required.
- h. The BOD may require removal of a tree.
- i. A copy of the appropriate County Permit must be submitted to the MPOA for any tree removal within the RPA buffer zone.
- j. **Southlake Cove**, lot owners are responsible for the removal and replacement of dead trees on their property. Replacement is limited to only one smaller-caliber tree in front yard, i.e. Crape Myrtle or Japanese Maple tree, for example.
- k. **For Water’s Edge Townhome Association**, replacement of trees is required for any trees removed within Water’s Edge Townhome Association. Replacements must either be of the same species or a Virginia native tree. Limited exceptions to this rule may be considered by the Water’s Edge Townhome Association Board of Directors based upon extenuating circumstances, e.g. limited light and survival potential, likely damage to utilities or property, or unavoidable encroachment on neighboring yards. The tree replacement approval is to be completed by the WETA Covenants Committee or the WETA Board of Directors. Suggested replacements include: Eastern Redbud, Flowering Dogwood, Southern Hawthorn, Alleghany Serviceberry, American Hornbeam, and Sweet Bay Magnolia. Not recommended replacements include: Leyland Cypress, Silver Maple, Ash, Quaking Aspen, Poplar, Willow, Bradford Pears, Mulberry, Black Walnut.
- l. **For Southlake Landing**, Lot owners are responsible for the removal and replacement of dead trees on their property. Replacement is limited to only one smaller-caliber tree in front yard, i.e. Crape Myrtle or Japanese Maple tree.
- m. **For Nob Hill Forest Townhomes**, Lot owners are responsible for the removal and/or replacement of dead trees on their property. Replacement is limited to only one smaller-caliber tree in front yard, i.e. Crape Myrtle or Japanese Maple tree.

Information to be included with PIR:

- Property plat indicating the location of the tree(s) to be removed;
- The species of the tree(s) to be removed;
- Any reports regarding the condition of the tree(s);
- The reason for removal;
- Estimated completion date.

5.4.48 Trellises, Arbors and Pergolas.

Pre-Approved: Replacement of existing previously approved trellises, arbors, and pergolas, with one having identical features.

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Trellis work shall be compatible with the architectural character of the house in terms of style, color, and materials.
- b. Free-standing trellises shall not be placed on common property.
- c. Free-standing trellises and arbors must be placed in the side and/or rear yard and may not extend beyond the front of any home. They may be integral to a fence, and if so, must match the fence in material and color.
- d. **For Water’s Edge Townhome Association**, trellises, arbors, and pergolas are not allowed in front or side yards.
- e. **For Southlake Landing**, Trellises, Arbors and Pergolas are not allowed in front yards.
- f. **For Nob Hill Forest Townhomes**, Trellises, Arbors and Pergolas are not allowed in front yards.
- g. **For Southlake Cove**, Trellises, Arbors and Pergolas are not allowed in front yards.

5.4.48 Trellises, Arbors and Pergolas (continued).

Information to be included with PIR:

Property plat indicating the location of the trellis work in relationship to the property lines and dwelling;
Description of size, color, materials, and framing; and
Photographs or brochures showing colors and construction details.

5.4.49 Walkways and Paths (to include Stairs and Steps).

Pre-Approved: None

Quick Track: None

RPA Considerations: RPA provisions apply; see Section 5.4 General on page 5-10.

Requirements and Restrictions:

- a. Walkways and paths must be set back at least five feet from the property line and be installed flush to the ground.

5.4.49 Walkways and Paths (to include Stairs and Steps) (continued).

- b. Walkways and paths on sloping ground with steps not exceeding 6 inches will be considered to be flush with the ground.
- c. Brick walkways or paths must match the existing brick on the home, if applicable.
- d. Permeable walkways and paths within five feet from the property line will be considered on a case by case basis, must be installed flush to the ground, will include County approval and must be approved by the Board of Directors.
- e. **For Water's Edge Townhome Association:** Walkways and paths constructed of pavers and brick approved for rear yards only and must be ground level – preapproved. Walkways and paths in front or side yard requires a PIR. No walkways or paths shall be constructed or permitted on common grounds.

Information to be included with PIR:

- Property plat indicating the size and location of the walkway or path;
- Materials to be used including color;
- Description of grading changes, if applicable; and
- Estimated completion date.

5.4.50 Windows.

Pre-Approved: Replacement windows in the existing style, color, grid pattern and location, except Southlake Landing & Southlake Cove homes. Conventional window coverings.

Quick Track: None

Requirements and Restrictions:

- a. All windows on any side of the home must be uniform to exclude picture windows.
- b. All window coverings must be conventional shades, blinds, shutters, curtains or draperies.
- c. **Southlake Cove,** All changes to windows in Southlake Landing and Southlake Cove Townhomes Association which differ from the original windows with mullions or grids, require advance PIR approval of the MPOA and Townhome Association. All replacement windows on front or side of home must have grids. All changes to window styles which differ from the original windows, with mullions or grids, require advance approval of the Subassociation.
- d. **For Southlake Landing,** All replacement windows must have grids. All changes to window styles which differ from the original windows, with mullions or grids, require advance approval of the Sub association.
- e. **For Nob Hill Forest Townhomes,** All replacement windows must have grids. All changes to window styles which differ from the original windows, with mullions or grids, require advance approval of the Subassociation.
- f. **For Water's Edge Townhome Association,** Replacement windows in the existing style, color, grid pattern and location are permitted. All changes to windows which differ from the original windows with mullions or grids, require advance PIR approval of the MPOA and Townhome Association.

Information to be included with PIR:

- Description of windows to include style, material, color, and location;
- Sketch, drawing, or brochure of windows;
- Location of windows on the dwelling; and
- Estimated completion date.

5.4.51 Conformity with County Regulations. The procedures outlined for the exterior alterations or home business/occupations, are solely within the purview of MPOA. **MPOA approval of a Property Improvement Request or Home Business or Occupation Application does not constitute Prince William County approval nor does it imply conformity to all County regulations.** Any action

5.4.51 Conformity with County Regulations (continued).

requiring County approval, permits, or licenses, must be submitted by the applicant property owner to the County directly. For more information regarding County ordinances and regulations, you can visit the Prince William County website at www.pwcgov.org or call the Prince William County Department of Public Works.

5.5 Vehicle Parking Regulations.

5.5.1 Definitions.

- a. "Vehicle" means any "authorized vehicle," "truck," "commercial vehicle," or "trailer" as defined herein, or any motorized means of transportation.
- b. "Authorized vehicle" means any vehicle designated primarily for personal, private transportation of passenger(s), including mopeds and motorcycles that is not a "truck," "commercial vehicle" or "trailer" as defined herein. "Authorized vehicle" does not include electric golf carts.
- c. "Truck" means any powered source of transportation, including recreational vehicles (RVs), which has a gross vehicle weight in excess of 8500 pounds or that has a cargo bed in excess of 34.5 square feet. Notwithstanding, and in addition to the foregoing, the following are each deemed to be a "truck" for the purposes of these Vehicle Parking Regulations:
 1. Any vehicle that uses wood, metal, or other materials to extend the height of the sides or to increase cargo capacity, including camper cabs, but excluding commercial shells not materially extending above the cab of the truck and that are primarily designed to enclose the bed of a pickup truck; and
 2. Any vehicle that has as its primary purpose the towing of other vehicles, the removal of snow, or which clearly is not primarily intended to be used for personal, private transportation purposes.
- d. "Commercial vehicle" means any vehicle with commercial or government agency lettering or insignia, whether temporarily or permanently affixed to the vehicle, except for law enforcement, fire and rescue, and other government owned vehicles utilized as first responder transportation with Board approval. All vehicles kept within Montclair by residents on a regular basis shall park in accordance with these regulations and the parking regulations of the sub-associations with respect to parking of personal vehicles.
- e. "Trailer" means any device that is not self-propelled, but which is designed for and capable of being pulled upon the public roadways by a motorized vehicle, such as boat trailers, utility trailers, mobile homes, and pop-up trailers.

5.5.2 Restrictions.

- a. Vehicle parking regulations apply to all Montclair owned streets.
- b. Parking is not permitted in the parking lot of the MPOA building/Kids Dominion for purposes other than visiting those facilities, and then only for the duration of that visit.
- c. No vehicle shall be parked on Homeowner lots, common areas, or in townhome or sub-association parking lots, in such a manner as to obstruct other parking spaces, mailboxes, or emergency vehicle access. No vehicle shall be parked on Homeowner lots, common areas, or in townhome or sub-association parking lots in such a manner as to block one or more vehicles, occupy more than one space, park in a posted fire lane, park on any lawn or grassy areas, sidewalk, walkway or patio area, or park without a properly issued permit in designated handicapped parking spaces. No vehicle shall be parked in an assigned townhome or sub-association parking space without the express permission of the owner or resident to whom the space is assigned. No vehicle owned or operated by a resident that is required or permitted to be registered under paragraphs 5.5.1.a, or 5.5.1.b, above, shall be parked in any space designated for visitors in any townhome or sub-association in which the resident lives.
- d. No truck, commercial vehicle, bus, trailer or recreational vehicle to include motor homes, travel trailers and boats, shall be parked on any common area, private street, Homeowner lot, building site, or town home or sub-association parking area, except when delivering to, or furnishing services to, a lot or living unit within Montclair. A motor home, travel trailer, or boat owned by a Montclair resident may be parked in a single-family homeowner's driveway for no more than 48 hours and no more than twice per month to load, unload, or service. Nothing herein shall restrict the Montclair Country Club from parking vehicles proscribed by this section on country club property, or apply to the parking areas of commercial shopping centers within Montclair.
- e. No vehicle shall be parked on any street in such a manner as to impede access to any common area or lot or in violation of state law or county ordinance.
- f. Vehicles under construction, reconstruction, repair, or placement on jacks, jack stands, or other support will not be permitted to be kept in public view on any property or street within Montclair.
- g. No vehicle shall be parked with visible equipment (i.e. no tools, ladders, equipment, machinery, supplies or trash shall be stored visibly).
- h. Temporary or permanent racks are permitted on vehicles; roof racks shall have all equipment and materials removed and stored (nightly) out of public view while vehicles are parked.
- i. **For all sub-associations**, other parking restrictions may apply for each individual sub-association. Homeowners who reside in a sub-association must comply with MPOA parking regulations as well as any additional regulations imposed by the sub-association, which may include towing.

5.5.3 Enforcement.

- a. Residents and lot owners are responsible for their guests and tenants and may be found in violation of these rules for the actions of their guests or tenants. Residents and lot owners in violation of this regulation may be subject to any action by the BOD permitted by MPOA rule or regulation, including as to lot owners, the imposition of any assessment of charges for each violation of this regulation.
- b. Any vehicle parked in violation of these rules and regulations shall be subject to towing, without notice, at the risk and expense of the vehicle's owner. Before any vehicle is towed, there shall be erected at each point of ingress and egress to the parking area a clearly legible sign in compliance with Section 13-497 of the Prince William County Code.

5.5.4 Responsibility. Nothing in these rules and regulations shall be construed to hold MPOA, its Board of Directors, or the Board of Directors of any sub-association, or its agents, responsible for damage to vehicles or loss of property from vehicles parked on the common areas or townhome or sub-association parking lots, or towed there from.

5.6 Home Businesses/Occupations.

5.6.1 General.

- a. Home business/occupations shall be conducted in compliance with county, state, and other lawful regulations. All home businesses or home occupations currently in operation without MPOA approval are in violation of Montclair's restrictive covenants. Requests for approval of these must be submitted immediately.
- b. For purposes of this policy the following definitions apply:
 - **Home Business:** Any commercial and/or for-profit activity conducted entirely within a dwelling unit as an accessory use to the principal bona fide residential use that is not a home occupation as defined below.
 - **Home Occupation:** A use conducted entirely within a dwelling unit by bona fide residents of that unit that is clearly incidental and secondary to the principal use as a dwelling unit. Such use shall not change the character of the dwelling unit nor have any exterior evidence that business related activities are being conducted inside the dwelling unit.
- c. The policies contained herein have been adopted in consideration of the following major areas of concern:
 1. The residential character of Montclair;
 2. Traffic volume and type;
 3. Parking;
 4. Pedestrian safety;
 5. "Customer" traffic;
 6. Vehicles used in conjunction with the home business;
 7. Signs;
 8. Noise;
 9. Business hours;
 10. Employees (type and number); and
 11. Environmental pollution.
- d. Home Business/Occupation approval is contingent upon the applicant/owner of the property being in good standing. If at any time an owner of a property in which a Home Business/Occupation approval has been granted should become delinquent, as defined by By-laws Article 3.2 (d), the aforementioned approval is revoked until such time as the delinquency is corrected.
- e. **For Water's Edge Townhome Association:** Per WETA Declaration of Covenants, no animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept PROVIDED that they are NOT kept, bred or maintained for any commercial purpose.

5.6.2 Application for a Home Business/Occupation.

- a. Property owners desiring to operate a home business or home occupation must complete a "Home Business or Occupation Application" (hereafter referred to as application), enclosure (3), and submit it with all necessary attachments to the Covenants Director. The application must include:
 1. A description of the intended activity;
 2. A neighborhood impact statement (vehicular traffic, parking, deliveries, etc.); and
 3. The names and addresses of, and evidence that, those property owners who are adjacent, or affected by sight, sound, or traffic have been notified of the intended use and have been advised that they may make comment in writing to the MPOA.
- b. The Covenants Director will review the application for completeness, date it, retain an active file copy, and record its receipt in a logbook. The applicant should retain one copy and additional copies of the application are available at the MPOA Administrative Building. **ONLY PROPERTY OWNERS MAY SUBMIT AN APPLICATION FOR A HOME BUSINESS OR OCCUPATION.**
- c. Applications from sub-association property owners are required to be sent to the sub-association Board of Directors to obtain approval in writing prior to being submitted to the Covenants Director unless otherwise specified by the respective Sub-Association Board of Directors.

5.6.3 Review Process for a Home Business/Occupation. The MPOA shall route the application and any comments from neighbors to the BRB. The BRB will render its decision in the case, MPOA shall notify the applicant, and any Interested Owners, as defined below, by mail within ten days after the decision is made. Upon receipt of notification of an approval, the applicant will then be required to obtain the necessary permits/licenses and fully comply with all ordinances and regulations. Failure to do so will be grounds for revocation of

5.6.3 Review Process for a Home Business/Occupation (continued).

MPOA approval. If the BRB denies approval, the business will not be authorized to operate unless the business is thereafter approved by the full BOD after a timely appeal.

5.6.4 Appeal Process. Any decision of the BRB is subject to appeal to the full BOD. All lot owners who file an application and any lot owner who has expressed to the BRB an objection to an application are hereafter referred to as “Interested Owners.” Only Interested Owners may appeal and they become known as the “Appellant.” The following process is provided as a guideline for the General Manager, and the BRB members appointed in accordance with the rules and regulations adopted by the BOD pursuant to Article 6 of the Amended Declaration.

- a. All appeals from the BRB to the BOD must be in writing, and be received by the MPOA within ten days of the postmarked date of notification to the applicant and Interested Owners of the BRB decision. If the appeal is not received within the specified time frame, the decision of the BRB is final.
- b. Any timely appeal of a BRB decision shall be forwarded to the BOD by the Covenants Director by placing it on the agenda of the next regular BOD meeting, provided the Board members receive the applicable documents a minimum of three days prior to that meeting. The General Manager shall notify the appellant and other Interested Owners involved in the appeal of the date, time, and location of the BOD meeting at which the appeal will be considered, and of their right to be heard.
- c. The Covenants Director shall ensure the appellant and Interested Owners involved in the appeal are notified of the decision of the BOD within five working days of the date of the decision. All decisions of the BOD are final.

5.6.5 Home Occupations.

- a. Permitted Home Occupations should be limited to the following:
 - Professional offices;
 - Business or trade offices for telephone and mail service and administration of the business or trade, but not for on-premises practice of the business or trade;
 - Photography, arts, and crafts activities;
 - Seamstress, tailoring, and upholstery activities;
 - Clerical or secretarial activities;
 - Tutoring four or fewer children;
 - Baby-sitting four or fewer children;
 - Mail order business, such as Mary Kay and Avon;
 - Jewelry, watch, and/or clock repair; and
 - Scissors, saw, and/or blade sharpening.Others may be approved by the BOD upon recommendations of the BRB.
- b. Traffic considerations:
 1. Activity conducted at the residence shall not generate traffic inconsistent with that of a typical single family dwelling and must be limited to automobiles, vans, or small delivery trucks;
 2. Vehicles, including privately owned vehicles of family members and employees, shall be limited to parking in the driveway and at the immediate front of the residence. Customer, owner, delivery, and employee vehicles shall not block or impede access of neighboring residences. (Reference to “employees” and “employee” vehicles pertains to home businesses only. Home occupations do not have employees.); and
 3. Signed vehicles associated with the Home Occupation shall be garaged when not in use.
- c. Environmental and Safety Considerations:
 1. Owners/operators shall discharge into the sewer only those wastes permitted by Prince William County sewer use ordinances;
 2. The activity shall not produce noxious or offensive fumes;
 3. Owners/operators shall not store or use flammable, explosive, or toxic materials in excess of those incidental to typical family residences;
 4. In-residence activity shall not attract customers in numbers that would make the dwelling discernible from other residences;
 5. No business signs shall be visible from outside the residence;
 6. The activity shall not generate noise in excess of that normally associated with a single-family residence.
- d. Employees: No employee shall be permitted except for family members who are bona fide residents in the dwelling unit.

5.6.6 Home Businesses. Home Businesses shall meet the same criteria as outlined for home occupations, except that businesses may employ non-family members. The use of outside employees may require a Provisional or Special Use Permit, issued by Prince William County. The county may also impose other restrictions and conditions prior to issuance of a permit.

5.6.7 Typically Unacceptable Home Business/Occupations. The following types of activities detract from the residential character of Montclair and generally will not be approved:

- a. Repair or sale of motor vehicles, trailers, boats, or related equipment;
- b. Sale of goods within the operator’s dwelling from stock available on the premises;

5.6.7 Typically Unacceptable Home Business/Occupations (continued).

- c. Operations which require the outside display of goods or outside storage of equipment or material used in the home business or occupation; and
- d. Operations that generate a noticeable number of customers or clients.

5.7 Guideline Modifications.

5.7.1 General. In order to overcome practical difficulties and to prevent unnecessary hardships, the MPOA may allow reasonable guideline modifications. They must be in conformity with the character of the community and not detrimental or injurious to other properties and improvements. The BOD may only make guideline modifications. When a guideline modification is made, that modification shall become a part of these Guidelines and shall be applied uniformly to all future identical requests.

5.7.2 Submission of Guideline Modification Requests. Guideline modification requests must be submitted to the Covenants Committee through the Covenants Director. Affected property owners must be notified and modification requests must conform with existing county ordinances and regulations. The Covenants Committee will make a recommendation to the Board of Directors regarding the request for guidelines modification and forward both the request and the recommendation to the Board for a decision.

5.8 Variances.

5.8.1 General. The BOD may grant variances to the Architectural Guidelines, for good cause shown. Requests for variances will be forwarded to the BOD from the Covenants Committee, with a recommendation of the Covenants Committee to the Board. Unless specifically granted by the Board of Directors, Variance requests do not convey (transfer) with the property.

5.8.2 Variance Authority of the Covenants Committee. The BOD has delegated to the Covenants Committee authority to approve variances under the following two circumstances:

- a. Variance to Setback Requirements. In those instances where a previous variance has been granted to the setback requirements to accommodate construction of a building or other structure, and an additional structure is being planned, the Covenants Committee may grant such a variance provided the added structure will not change the setback distance. Previously granted (i.e. a deck or patio which runs parallel to and the same distance from the lot line as the initial structure).
- b. Non-conforming Fence Styles: The Covenants Committee may approve a non-conforming fence style (per the current policy) if said style is the same as an abutting or adjacent fence style, provided that the existing non-conforming fence was previously approved under an earlier policy. Such as (i.e. a stockade fence may be allowed if a stockade fence is already on the abutting property), and if the non-conforming fence requested does not also abut an approvable style of fence.

Nothing in this authority requires the Covenants Committee to grant variances in cases that might be brought before the committee. Authority to grant variances in other than the two cases cited above remains vested with the BOD.

5.9 Enforcement Procedures.

5.9.1 Enforcement Procedures. The covenants of the Amended Declaration require the Association to ensure compliance of all lots with the architectural standards, covenants, and restrictions. The BOD has adopted the following enforcement procedures:

- a. Upon receipt and verification of an issue of non-compliance, the Covenants Director will send a notice of non-compliance letter (**First Notice**) allowing a reasonable amount of time (between 14 to 30 days depending on the nature of the violation and at the discretion of the Covenants Director) for the property owner to: (1) take corrective action voluntarily; or (2) advise the Covenants Director of the scheduled date to have the corrective action completed. For home businesses/occupations, non-compliance with the policies contained herein, deviation from the proposed outline of the home business/occupation, or valid complaints may result in the **immediate** revocation of MPOA permission to operate these activities.
- b. The Covenants Office will re-inspect the site in question and if the corrective action has been completed the case will be closed.
- c. If corrective action has not been taken, a second letter (**Second Notice**) will be sent to the alleged violator. This letter will advise the party that if corrective action is not taken within the next two weeks the matter may be processed through legal channels with reimbursement of legal fees to be paid by the violator.
- d. The Covenants Office will re-inspect the site in question and if the corrective action has been completed the case will be closed.
- e. If corrective action has not been taken in response to the second notice, a third letter will be sent to the alleged violator by certified mail, return receipt requested. The notice will state that the homeowner will be automatically scheduled for a hearing at the next Board Meeting, so long as such meeting is at least 14 days after the date the notice is sent. The notice will advise the homeowner of his or her right to be heard at this hearing, and to be represented by counsel before the Board of Directors at their own cost. The notice will also advise the homeowner of the date, time, and location of the hearing and will detail the possible sanctions that the Board will consider at the hearing. At the hearing, the homeowner will have the opportunity to dispute the issue(s). Failure to attend will result in the loss of the homeowner's opportunity to be heard. At the hearing, the Board of Directors will decide whether to impose covenants violation charges

5.9.1 Enforcement Procedures (continued).

against the homeowner and their lot, in the amount of either \$50.00 per occurrence (single event), or \$10 per day (continuing event) for 90 days per violation as per Virginia State Statute. To ensure that you will have the opportunity to address and be heard by the Board, you must submit written notice of your intent to attend this hearing within 7 calendar days of the date of this notice. Lack of such written notice may preclude you from being able to address the Board at the time of the hearing.

- f. In the event of a scheduled hearing before the BOD, the General Manager will ensure that all pertinent information is sent to the Board members in the monthly board packet, to include the findings and recommendation of the Covenants Director.
- g. In the event of a further issuance of non-compliance of a violation of the same nature within one year of the last issuance of a notice on non-compliance, the First and Second Notices shall not be required and only a Notice of Opportunity for Hearing shall be sent to the alleged violator.

5.9.2 Assessment of Charges to Enforce Rules.

- a. The BOD may assess charges against any member for any violation of the Association Documents for which the member or his/her family members, tenants, guests, or other invitees are responsible, not to exceed \$50 for any single violation or \$10 per day for any violation of a continuing nature, which shall be treated as an assessment against the member's lot subject to collection pursuant to the Association Documents and according to law.
- b. The BOD may, at any time after an assessment of charges and for good cause shown, remit any portion or all of the charges to the member.
- c. The relief provided by assessment of charges shall be in addition to any other right of relief or remedy available to the Association, and the invocation of such assessment in any particular case shall not constitute an election of remedies.

5.9.3 Notification Procedures for Hearings.

- a. The member against whom a violation of the documents is alleged (hereinafter the Respondent) shall receive a notice of the hearing on the alleged violation. The notice of hearing shall contain a specific description of the acts or omissions that constitute the alleged violation(s). This notice shall serve as the complaint. The notice of hearing shall also state:
 - 1. The date, time and place of the hearing;
 - 2. The due process rights set forth below;
 - 3. The procedural rules for the hearing set forth below;
 - 4. The possible sanction to be imposed.
- b. The member shall be given the opportunity to be heard and to be represented by counsel before the BOD or other tribunal as the BOD by resolution shall designate.
- c. The notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the Association at least 14 days before the hearing. If neither the member nor any of his/her family members are occupying the dwelling at the time of the violation, the notice shall also be sent to the current address of the member, if any, contained within the member's lot file.
- d. The hearing shall take place at the next regularly scheduled meeting of the BOD after the deadline for abatement has passed. These hearings shall be conducted in closed, executive session. The member alleged to be in violation shall be notified in writing by registered or certified mail, return receipt requested, of the decision of the BOD within seven days after the hearing.

5.9.4 Due Process Rights.

- a. The respondent may, at any time, admit all or part of the allegations. The Board of Directors may then proceed to take whatever action, including the imposition of any sanctions, which it deems appropriate and which are authorized by the Association Documents.
- b. Any party may request a postponement of the hearing for good cause. The President of the Association, without need for consultation with the Board, shall grant or deny the continuance and inform all parties in writing.
- c. Upon proof that the notice of hearing was properly mailed, the Board of Directors may proceed with the hearing in the absence of the respondent, and may make findings, issue ruling, and impose sanctions. The respondent may submit a written defense to the complaint in lieu of appearing at the hearing, which shall be considered by the Board along with all other relevant evidence. The respondent may appear at the Board of Directors meeting following the hearing at which sanctions were imposed to request that the hearings be re-opened. The Board of Directors may re-open the hearing and receive evidence and hear arguments if the respondent gives the Board of Directors five days' notice of his or her intent to appear before the board to request that the hearing be re-opened, and if good cause for re-opening the hearing exists. Upon receipt of such notice, the Covenants Director shall notify all other interested parties. The hearing shall be re-opened by vote of the Board of Directors.

5.9.5 Procedural Rules at the Hearing.

- a. The hearing shall be conducted in closed session.
- b. The following procedures pertain to the hearing on the merits of the alleged violation(s):
 - 1. The President shall conduct the hearing and rule on all procedural issues;
 - 2. The respondent and the Association may each be represented by an attorney licensed to practice in Virginia;

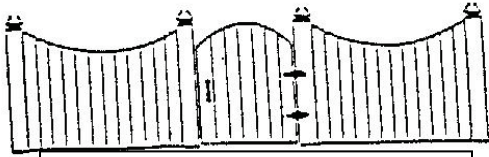
5.9.5 Procedural Rules at the Hearing (continued).

3. The respondent and the Association may each call witnesses in his/her own behalf. The respondent may testify in his or her own behalf, and may be called as a witness by the Board of Directors. If the respondent refuses to testify upon the request of the Board, the hearing shall continue, and the Board may reach a decision on the merits based upon other available evidence;
4. The respondent and the Association may each present relevant evidence on his/her or its own behalf. The rules of evidence do not apply at the hearing. The Board of Directors may assess the evidence and testimony based upon its reliability and trustworthiness and attribute to it the weight the Board of Directors believes it deserves;
5. The respondent may object to the complaint on the ground that it does not state acts or omissions upon which the Board of Directors may proceed; and
6. The hearing shall proceed as follows, unless otherwise agreed upon by both parties:
 - i. Opening statements-4 minutes.
 - ii. Introduction of evidence and presentation of witness by the Association.
 - iii. Introduction of evidence and presentation of witnesses by the respondent.
 - iv. Introduction of rebuttal evidence and testimony by the Association.
 - v. Closing statements-5 minutes each side. The Association may open and rebut the Respondent's closing argument.
- c. shall have the burden of persuasion by a preponderance of evidence, which means that the evidence proving a violation shall outweigh any evidence to the contrary.
- d. At the conclusion of the hearing, the Board of Directors shall vote in open session to (a) dismiss the complaint, (b) find a violation and impose sanctions and/or take other appropriate action, or (c) continue the hearing to receive additional evidence. The notice to the member, with the member's name and address redacted, is to be placed in the official minutes of the meeting at which the case is heard by the BOD.

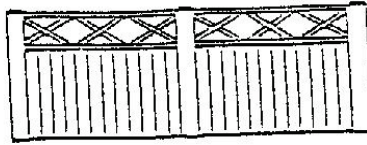
5.9.6 Enforcement Procedures for Repeat Violations or for Violations that Pose a Threat of Personal Injury or Imminent Property Damage.

- a. In the event of a repeated non-compliance of the same nature within one year after the issuance of a notice of non-compliance, the First and Second Notice shall not be required and a Notice of Opportunity for Hearing shall be sent to the responsible member at least five days prior to a hearing in the matter. In such event, the procedures set forth in Sections 5.9.4 and 5.9.5 shall apply. If the BOD finds there to be a violation in an instance of such repeated non-compliance, the BOD may:
 1. Take immediate action, at the expense of the responsible member, to abate the violation in accordance with the provisions of Sections 5.2 (a) and 10.1 (e) of the Declaration; or,
 2. Refer the violation to legal counsel for the institution of appropriate legal action without further communication to the responsible member;
 3. If a hearing on the prior non-compliance resulted in a monetary charge which was suspended pending future adherence to the covenants, that charge shall be automatically imposed as an assessment against the lot by the General Manager.
- b. In any instances in which the Board determines that a reported non-compliance with the Association Documents constitutes a threat of personal injury to any person or an imminent threat of property, the BOD may:
 1. Take immediate action, at the expense of the responsible member, to abate the violation in accordance with the provisions of Sections 5.2 (a) and 10.1 (e) of the Declaration; or
 2. Refer the violation to legal counsel for the institution of the appropriate legal action without further communication to the responsible member.

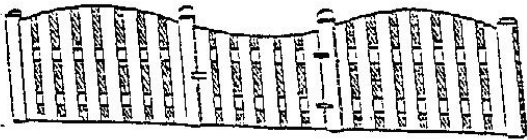
Appendix A – Fences for Single Family Homes



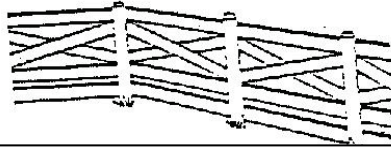
Style #1 – Solid Board 4-6 feet tall.
6 feet must be cut with symmetrical
dip or scalloped top



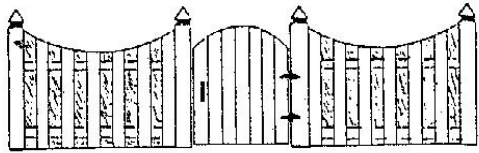
Style #2 – Solid Board with criss-
cross top. May not exceed 6 feet in
height.



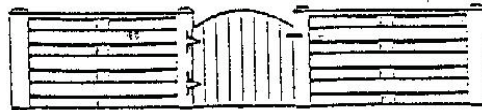
Style #3 – Alternating board with scalloped
or rolling top 4-6 feet.



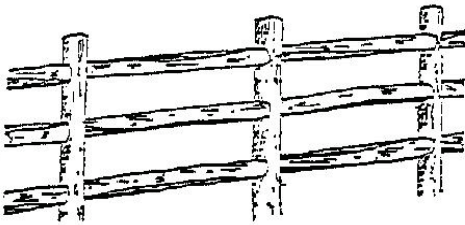
Style #4 – Cross buck/estate 4 feet tall



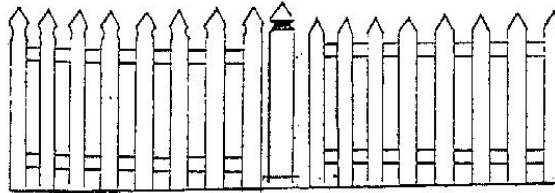
Style #5 – Alternating board with symmetrical dip
top 4-6 feet tall



Style #6 – Basket weave 4 feet tall



Style #7 – 2 or 3 rail split rail 4 feet tall



Style #8 – Gothic
Picket 4 feet tall

Style #9 – Standard
Picket 4 feet tall

Revised 5/2006

Appendix B – Mailboxes

MONTCLAIR MAILBOX & SUPPORTS

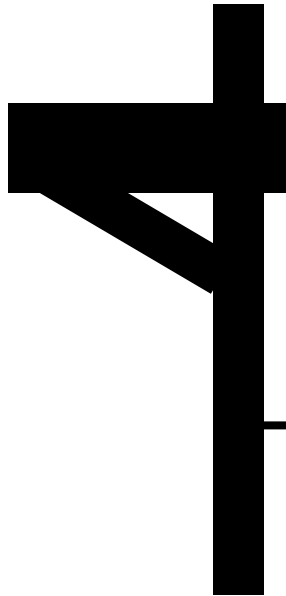
Rural Mailbox
Front View



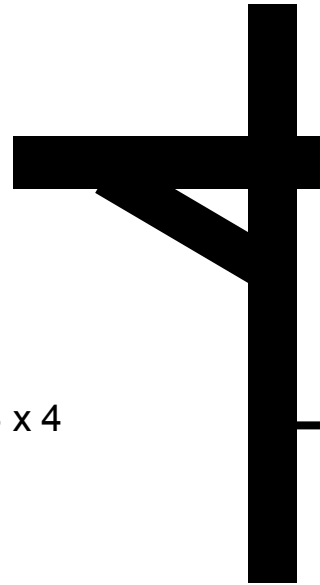
Rural Mailbox
Side View



**Black Mailbox
Approved Size:
6 ½ x 8 ½ x 19**



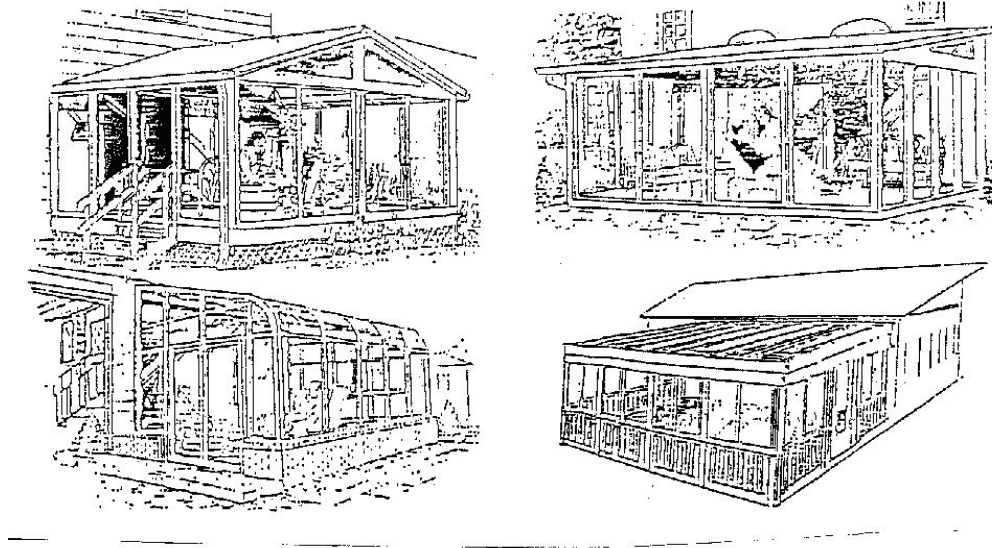
Post with
Newspaper Box



Regular Post

Posts must be USPS Regulation Compliant – MPOA Guideline Section 5.4.22
Revised 04/11/2008

Appendix C – Room Enclosures

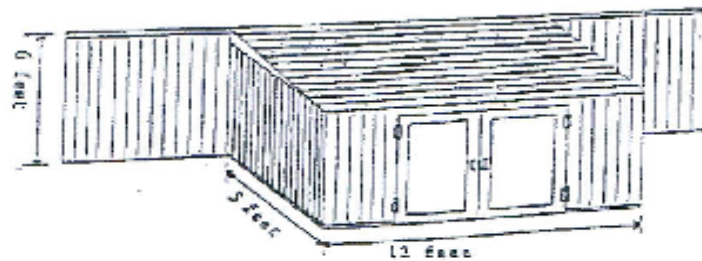


Appendix D – Sheds for Townhomes/Cluster Homes

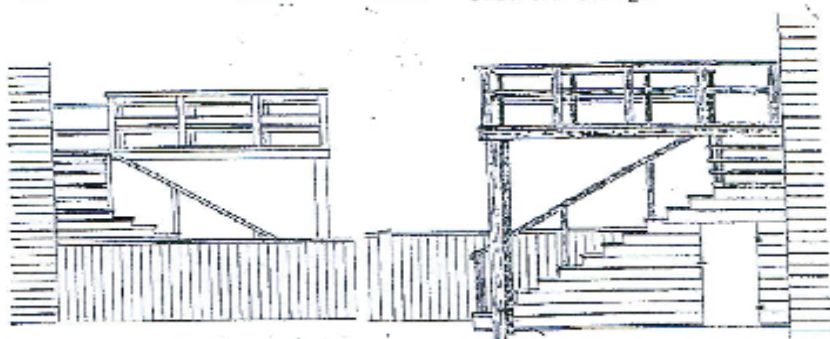


Attached to the Rear of the House

Integral with the Fence



Under stair Storage



Montclair Property Owners Association

Home Business or Occupation Application



Name _____ Date _____

Address _____ Lot No. _____

_____ Check one: ☐ Home ☐ Cell ☐ Work _____

Daytime Phone _____ Email Address _____

Home Business or Occupation Information

Purpose and description of home business or occupation.

_____ Requested Start Date _____

Type of Dwelling (Single family, townhouse, etc.) _____ Hours of Operation _____

Number of Employees _____
In-Home Residents: _____ Outside of Household: _____

What is the maximum number of clients at any one time? _____

Are business related materials to be stored on the property? ☐ Yes ☐ No
If yes, please describe the nature of the materials, quantity, and storage location.

Will a truck or other vehicle be used? ☐ Yes ☐ No

Describe the parking requirements necessary to conduct the home business or occupation and how they will be met.

Describe the nature and frequency of deliveries required for the home business or occupation.

Is there a requirement for a special use permit? ☐ Yes ☐ No

Will the business phone number be listed in a telephone or other commercial directory? ☐ Yes ☐ No

In accordance with the MPOA Declaration, Covenants and Restrictions, referred to in the deed covering the property described herein, I/we hereby apply for approval of MPOA to conduct a home business or home occupation in or on part of a Lot or in an improvement upon the Property as described herein.

Nothing herein shall be construed as a waiver or modification of any of the restrictive covenants nor any of the provisions of State or Prince William County ordinances or regulations.

A separate application must be made for each home business or occupation.

I understand and agree that the home business or occupation will not be conducted until specific written approval of the MPOA is given.

Approval is not transferable.

I have read and agree to abide by the Home Business Policy guidelines, and I further understand that deviation from the guidelines or falsification of information submitted by me on the request form may result in revocation of permission to operate a business in Montclair.

Signature

Date

Acknowledgement

This acknowledgement indicates an awareness of the intent and does not constitute nor indicate approval or disapproval. Contact the MPOA office within seven (7) days if you wish to comment on this application.

Name

Address

Name

Address

Name

Address

Name

Address

For Office Use Only

Check One: ☐ Approved ☐ Denied

Reason for Denial

Date

Signature, Business Review Board Chairperson

Montclair Property Owners Association
Property Improvement Request (PIR)



All requested information and signatures must be included or the application will be considered incomplete.

Name	Date
Address	
Mailing Address (if different from above)	
<div style="display: flex; align-items: center;"> <div style="flex: 1; border-bottom: 1px solid black; height: 20px;"></div> <div style="margin: 0 10px;">Check one: <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Work</div> <div style="flex: 1; border-bottom: 1px solid black; height: 20px;"></div> </div>	
Daytime Phone	Email Address

Request Information

Please describe the changes or additions for your property below. Include a copy of your property plat and indicate the exact location of the proposed change or addition, distance to the property lines from proposed change or addition, dimensions of backyard property, and relevant surrounding features. **This request must include a sketch/photo and the following information: style, materials, dimensions, and color of proposed change or addition. Requests for repainting must include a color sample. Trees to be removed must be clearly identified as outlined in the Covenants.** Should the Committee require additional information, you will be notified, and your request will be deferred until additional information is received. Applicant has the sole responsibility for acquiring building permits, engineering, or other professional or technical advice. Further, each applicant shall be solely responsible for any damage to adjoining properties or persons that may result from the approval herein requested. The Board, Committee, and/or its designees shall have the right to inspect construction periodically (Association Documents 3.2 and 7.2). In order to vote, the Covenants Committee members must visit the site in question (Community Guidelines, Article 5.2.2).

Signature	Date

Acknowledgement

Signatures are required for abutting/adjacent homeowners. This indicates an awareness of this Property Improvement Request and does not constitute nor indicate approval or disapproval. Homeowners with an objection to the approval of the PIR may contact the MPOA office within five (5) days to state their concern for the Covenants Committee review. **Please check “Notify Me” next to your address if you wish to be notified of the date the PIR will be reviewed.**

_____ Signature	_____ Address	<input type="checkbox"/> Notify Me
_____ Signature	_____ Address	<input type="checkbox"/> Notify Me
_____ Signature	_____ Address	<input type="checkbox"/> Notify Me
_____ Signature	_____ Address	<input type="checkbox"/> Notify Me

For Office Use Only	
Ruling: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Contingent Approval <input type="checkbox"/> Table <input type="checkbox"/> Deferred to Board <input type="checkbox"/> Approved by Covenants Director	
Remarks _____	Date _____

Montclair Property Owners Association

Annual Dock and Shoreline Improvement Permit

Annual Dock and Shoreline Improvement Permits are required for all docks on Lake Montclair and any shoreline improvements between the property boundary lines of lot eligible for a dock and Lake's water surface (*including, but not limited to: stairways, steps, walkways, landings, fences, boat racks, irrigation systems, etc.*), regardless of whether or not a dock exists. This permit constitutes a license agreement between MPOA and the homeowner and is intended to be temporary in nature. -MPOA may terminate or modify the license hereby granted at any time in the event of any violation of this permit or in the event the Board of Directors, in its sole discretion, determines it necessary or in the best interest of the Association to do so.

Dock and Shoreline Improvement Permits must be renewed annually between October 1st and 31st each year. All applicable improvements (e.g. a dock, a set of stairs, an irrigation system, etc.) must be listed on the renewal permit when submitted to MPOA.

The initial application and annual renewal fee is \$5. There will be a \$200 late fee assessed unless the owner provides proof by November 10th that general liability insurance coverage (see below) was in effect as of November 1st of that year.

All dock and shoreline improvement owners are required to sign up for FSRConnect and provide a current phone number and e-mail address for emergency notifications regarding Lake Montclair.

Owners of docks and shoreline improvements described herein are required to provide MPOA with proof of valid general liability insurance coverage of no less than one million dollars (\$1,000,000) and must list the MPOA as a certificate holder or as additional insured when available through the insurance carrier. Owners with insurance carriers providing the necessary coverage but unable to have MPOA listed as a certificate holder or additional insured will be required to provide MPOA a copy of a letter signed by the insurance provider addressed to the owner indicating that coverage is in place for a current annual period and that the insurance provider will provide MPOA with a notice of any change to or cancellation or renewal of the policy. Property owners will obtain all applicable county permits and will accept liability for any damages that may occur to sewer lines, other utilities, or other MPOA property. Dock and shoreline improvement owners are responsible for obtaining a survey of the property abutting the Common Area before submitting plans to the Covenants Committee for approval. Owners are solely responsible for the safety and structural integrity of docks and shoreline improvements covered by this permit. Any repairs to an existing dock that constitute 30 percent or more of a dock require submission of a PIR.

Type of Application (circle one):	Renewal	New	Dock Plaque # (or N/A) _____
NAME: _____			
ADDRESS: _____		E-MAIL (Required): _____	
PHONE (H): _____		(W): _____	(Cell): _____
SIZE OF DOCK AND/OR DESCRIPTION OF SHORELINE IMPROVEMENTS (List all): _____ _____			
INSURANCE CARRIER: _____			
INSURANCE POLICY #: _____		DATE EFFECTIVE: _____	

In consideration for MPOA's approval, the owner hereby waives, releases, acquits, and discharges the Association of and from any and all liability for any claim, cause of action or dispute arising out of or relating to the dock or shoreline improvements, including but not limited to personal and property damage, and the raising or lowering of the water level in Lake Montclair, and further agrees to indemnify and hold the Association harmless for all losses or damages, incurred by the Association in connection with any such claim, cause of action or dispute, whether brought or asserted by the owner or by any other individual or entity, including but not limited to attorney's fees and costs.

All use of the licensed area shall be in strict compliance with the covenants and restrictions set forth in the Association's Declaration and Bylaws and all Association Rules and Regulations, as the same may be amended from time to time.

Owner acknowledges and agrees that the Association may terminate or modify the license hereby granted at any time in the event of any violation of this Permit or in the event the Board of Directors, in its sole discretion, determines it necessary or in the best interest of the Association to do so. In the event of termination of this Permit, the owner shall promptly remove all docks and/or shoreline improvements and restore the area to its condition prior to the modifications contemplated by this Permit.

I attest that any and all electrical devices and equipment used/installed for the purpose of charging boat batteries, powering lights, irrigation systems or other items in, on or around shoreline improvements are in good working order, safe, and do not present a hazard to life or property.

Owner Signature

Date

Montclair Property Owners Association, Inc. Signature

Date

Name (Print): _____

Title: _____

For Office Use Only

Date Received

Signature, General Manager

Montclair Property Owners Association Lake Montclair Master Dock Listing

This directory provides a listing of the 189 Montclair homeowner lots that are currently eligible for docks on Lake Montclair. Table 1 lists the property addresses by street name. Table 2 provides a by-address listing of the 189 properties and corresponding MPOA-assigned dock numbers. Table 3 provides an additional listing, by MPOA-assigned dock number, for the subset of Lots in Table 2 that currently have docks. There are currently 165 docks in Lake Montclair.

Lake Montclair is MPOA Common Property¹, and as such, each and every dock in Lake Montclair is situated on that Common Property. Owners of the lots listed in Table 1 may be permitted to construct and maintain docks on Lake Montclair in accordance with Association documents. In order to comply with provisions of the Amended Declaration for Montclair, docks are approved by the Board of Directors through the MPOA Property Improvement Request process, and are subject to annual renewal provisions of the MPOA Annual Dock Permit Application.

The installation and maintenance of a dock on Lake Montclair is a privilege. Failure to maintain a dock in a safe and reasonable condition or comply with any and all provisions of the Amended Declaration for Montclair and MPOA Community Guidelines governing dock installation, maintenance, and annual permit renewal shall be grounds for forfeiture of permission to have and maintain a dock on Lake Montclair.

The Lake Montclair Master Dock Listing will be reviewed for accuracy biennially by the Board of Directors. Additions and/or deletions to the current docks listed in Tables 2 and 3 will be updated as such changes occur within 90 days of the addition or removal of an approved dock.

¹ Deed of Gift of Lake Montclair, between SECOND MONTCLAIR CORPORATION and the MONTCLAIR PROPERTY OWNERS ASSOCIATION, September 29th 1988

Table 1. Dock Eligible Lots – Street Address Listing

<u>Barger Place</u>													
4596	4597												
<u>Beachview Drive</u>													
15434	15436	15438	15440	15442	15443	15444	15445	15446	15448				
<u>Butler Place</u>													
15789	15791	15793	15795	15797									
<u>Brawner Drive</u>													
15905	15911												
<u>Breeze Way</u>													
4896	4897	4900	4905	4908	4909	4912	4913	4916	4917	4920	4921	4924	4925
4928	4932	4940											
<u>Clearwater Court</u>													
4590	4591	4592	4593										
<u>Cove Lane</u>													
15971	15972	15973	15974	15975	15976	15978	15980						
<u>Devonald Place</u>													
15792	15794	15796											
<u>Dolphin Drive</u>													
15902	15904												
<u>Edgehill Drive</u>													
15342	15344	15346	15348	15350	15352	15354	15356						
<u>Fishermans Cove</u>													
4691	4693	4695	4697	4699	4701	4703	4707	4709					
<u>Golf Club Drive</u>													
15540	15550	15560	15570	15580	15600	15610	15629	15640	15650				
<u>Keswick Court</u>													
4831	4832	4833	4834	4835	4836	4837	4838	4839	4840	4841	4842	4843	4844
<u>Larchmont Court</u>													
4496	4497	4498	4499										
<u>Moncure Drive</u>													
15784	15785	15786	15787	15789	15791								
<u>Outlook Place</u>													
15561	15557	15566	15567										
<u>Royal Crescent Court</u>													
15512	15514	15516	15518	15520	15522	15524	15526						
<u>Silvan Glen Drive</u>													
15434	15438	15442	15444	15446	15450	15452	15454	15455	15456	15457	15458	15460	
<u>Skyline Drive</u>													
15433	15435	15436											
<u>Spalding Drive</u>													
4604	4606	4608	4610	4612									
<u>Timber Ridge Drive</u>													
4685	4691	4695	4699	4703	4706	4707	4711	4715	4719	4723	4727	4731	
4732	4733	4734	4735	4736	4737	4738	4739	4740	4741	4742	4743	4744	
4745	4746	4747	4748	4749	4750	4751	4752	4753	4754	4755	4756	4757	
4758	4759	4760	4761	4762	4763								
<u>Yorktown Drive</u>													
15523	15525	15529	15531	15532	15533	15534	15535	15536					

Table 2. Dock-Eligible Lots – Addresses and MPOA Dock Number

Address	Dock Number	Address	Dock Number	Address	Dock Number
4596 Barger Place	No Dock	4699 Fishermans Cove	0164	15460 Silvan Glen Drive	0153
4597 Barger Place	0177	4701 Fishermans Cove	0013	15433 Skyline Drive	0021
15434 Beachview Drive	0020	4703 Fishermans Cove	0038	15435 Skyline Drive	No Dock
15436 Beachview Drive	0067	4707 Fishermans Cove	0041	15436 Skyline Drive	0167
15438 Beachview Drive	0092	4709 Fishermans Cove	0192	4604 Spalding Drive	0201
15440 Beachview Drive	0129	15540 Golf Club Drive	No Dock	4606 Spalding Drive	No Dock
15442 Beachview Drive	0206	15550 Golf Club Drive	0210	4608 Spalding Drive	0175
15443 Beachview Drive	0133	15560 Golf Club Drive	0073	4610 Spalding Drive	0202
15444 Beachview Drive	0120	15570 Golf Club Drive	0173	4612 Spalding Drive	0216
15445 Beachview Drive	0045	15580 Golf Club Drive	0108	4685 Timber Ridge Drive	0047
15446 Beachview Drive	0007	15600 Golf Club Drive	0114	4691 Timber Ridge Drive	0148
15448 Beachview Drive	0131	15610 Golf Club Drive	0001	4695 Timber Ridge Drive	0106
15905 Brawner Drive	No Dock	15629 Golf Club Drive	0158	4699 Timber Ridge Drive	0102
15911 Brawner Drive	No Dock	15640 Golf Club Drive	0137	4703 Timber Ridge Drive	0111
4896 Breeze Way	0174	15650 Golf Club Drive	0166	4706 Timber Ridge Drive	No Dock
4897 Breeze Way	0140	4831 Keswick Court* ²	0019*	4707 Timber Ridge Drive	0207
4900 Breeze Way	0170	4832 Keswick Court	0130	4711 Timber Ridge Drive	0205
4905 Breeze Way	0186	4833 Keswick Court*	0019*	4715 Timber Ridge Drive	0026
4908 Breeze Way	0161	4834 Keswick Court	0016	4719 Timber Ridge Drive	0058
4909 Breeze Way	0168	4835 Keswick Court	0184	4723 Timber Ridge Drive	0039
4912 Breeze Way	No Dock	4836 Keswick Court	No Dock	4727 Timber Ridge Drive	0104
4913 Breeze Way	0221	4837 Keswick Court	0040	4731 Timber Ridge Drive	0193
4916 Breeze Way	0214	4838 Keswick Court	No Dock	4732 Timber Ridge Drive*	0211*
4917 Breeze Way	0143	4839 Keswick Court	0027	4733 Timber Ridge Drive	0046
4920 Breeze Way	No Dock	4840 Keswick Court	0215	4734 Timber Ridge Drive*	0211*
4921 Breeze Way	0144	4841 Keswick Court	0024	4735 Timber Ridge Drive	0142
4924 Breeze Way	0181	4842 Keswick Court	0204	4736 Timber Ridge Drive	0057
4925 Breeze Way	0146	4843 Keswick Court	0099	4737 Timber Ridge Drive	0212
4928 Breeze Way	0138	4844 Keswick Court	0136	4738 Timber Ridge Drive	0050
4932 Breeze Way	0220	4496 Larchmont Court	0109	4739 Timber Ridge Drive	0139
4940 Breeze Way	0222	4497 Larchmont Court	0015	4740 Timber Ridge Drive	0169
15789 Butler Place	0071	4498 Larchmont Court	No Dock	4741 Timber Ridge Drive	0065
15791 Butler Place	0187	4499 Larchmont Court	0087	4742 Timber Ridge Drive	0151
15793 Butler Place	0022	15784 Moncure Drive	0068	4743 Timber Ridge Drive	0124
15795 Butler Place	0159	15785 Moncure Drive	0121	4744 Timber Ridge Drive	0183
15797 Butler Place	0035	15786 Moncure Drive	No Dock	4745 Timber Ridge Drive	0141
4590 Clearwater Court	0112	15787 Moncure Drive	0119	4746 Timber Ridge Drive	0125
4591 Clearwater Court	0116	15789 Moncure Drive	0213	4747 Timber Ridge Drive	0010
4592 Clearwater Court	0188	15791 Moncure Drive	0081	4748 Timber Ridge Drive	0100
4593 Clearwater Court	0036	15557 Outlook Place	0165	4749 Timber Ridge Drive	0034
15971 Cove Lane	0107	15561 Outlook Place	0190	4750 Timber Ridge Drive	No Dock
15972 Cove Lane	0179	15566 Outlook Place	0191	4751 Timber Ridge Drive	0135
15973 Cove Lane	0157	15567 Outlook Place	0208	4752 Timber Ridge Drive	0011
15974 Cove Lane	0009	15512 Royal Crescent Court	0127	4753 Timber Ridge Drive	0075
15975 Cove Lane	0203	15514 Royal Crescent Court	0085	4754 Timber Ridge Drive	No Dock
15976 Cove Lane	No Dock	15516 Royal Crescent Court*	0185*	4755 Timber Ridge Drive	0154
15978 Cove Lane	No Dock	15518 Royal Crescent Court*	0185*	4756 Timber Ridge Drive	0105
15980 Cove Lane	No Dock	15520 Royal Crescent Court*	0185*	4757 Timber Ridge Drive	0117
15792 Devonald Place	0091	15522 Royal Crescent Court	0128	4758 Timber Ridge Drive	0118
15794 Devonald Place	0066	15524 Royal Crescent Court	0018	4759 Timber Ridge Drive	0030
15796 Devonald Place	0008	15526 Royal Crescent Court	0032	4760 Timber Ridge Drive	0033
15902 Dolphin Drive	0003	15434 Silvan Glen Drive	0029	4761 Timber Ridge Drive	0060
15904 Dolphin Drive	0198	15438 Silvan Glen Drive	0195	4762 Timber Ridge Drive	0055
15344 Edgehill Drive	0171	15442 Silvan Glen Drive	0200	4763 Timber Ridge Drive	0063
15346 Edgehill Drive	0056	15444 Silvan Glen Drive	0052	15523 Yorktown Drive	0162
15348 Edgehill Drive	0053	15446 Silvan Glen Drive	0077	15525 Yorktown Drive	0122
15350 Edgehill Drive	0037	15450 Silvan Glen Drive	0147	15529 Yorktown Drive	0044
15352 Edgehill Drive	0031	15452 Silvan Glen Drive	0178	15531 Yorktown Drive	0217
15354 Edgehill Drive	0155	15454 Silvan Glen Drive	0023	15532 Yorktown Drive	0005
15356 Edgehill Drive	0062	15455 Silvan Glen Drive	No Dock	15533 Yorktown Drive	0049
4691 Fishermans Cove	0051	15456 Silvan Glen Drive	0054	15534 Yorktown Drive	0149
4693 Fishermans Cove	0182	15457 Silvan Glen Drive	0194	15535 Yorktown Drive	0014
4695 Fishermans Cove	0199	15458 Silvan Glen Drive	No Dock	15536 Yorktown Drive	0042
4697 Fishermans Cove	0089				

2 * Asterisks denote Island Homeowners Association Joint Venture Docks

Table 3. Currently Approved Docks by MPOA Dock Number

Dock Number	Address	Dock Number	Address	Dock Number	Address
0001	15610 Golf Club Drive	0087	4499 Larchmont Court	0177	4597 Barger Place
0003	15902 Dolphin Drive	0089	4697 Fishermans Cove	0174	4896 Breeze Way
0005	15532 Yorktown Drive	0091	15792 Devonald Place	0175	4608 Spalding Drive
0007	15446 Beachview Drive	0092	15438 Beachview Drive	0178	15452 Silvan Glen Drive
0008	15796 Devonald Place	0099	4843 Keswick Court	0179	15972 Cove Lane
0009	15974 Cove Lane	0100	4748 Timber Ridge Drive	0181	4924 Breeze Way
0010	4747 Timber Ridge Drive	0102	4699 Timber Ridge Drive	0182	4693 Fishermans Cove
0011	4752 Timber Ridge Drive	0104	4727 Timber Ridge Drive	0183	4744 Timber Ridge Drive
0013	4701 Fishermans Cove	0105	4756 Timber Ridge Drive	0184	4835 Keswick Court
0014	15535 Yorktown Drive	0106	4695 Timber Ridge Drive	0185*	15516 Royal Crescent Court
0015	4497 Larchmont Court	0107	15971 Cove Lane	0185*	15518 Royal Crescent Court
0016	4834 Keswick Court	0108	15580 Golf Club Drive	0185*	15520 Royal Crescent Court
0018	15524 Royal Crescent Drive	0109	4496 Larchmont Court	0186	4905 Breeze Way
0019	4831 Keswick Court*	0111	4703 Timber Ridge Drive	0187	15791 Butler Place
0019	4833 Keswick Court*	0112	4590 Clearwater Court	0188	4592 Clearwater Court
0020	15434 Beachview Drive	0114	15600 Golf Club Drive	0190	15561 Outlook Place
0021	15433 Skyline Drive	0116	4591 Clearwater Court	0191	15566 Outlook Place
0022	15793 Butler Place	0117	4757 Timber Ridge Drive	0192	4709 Fishermans Cove
0023	15454 Silvan Glen Drive	0118	4758 Timber Ridge Drive	0193	4731 Timber Ridge Drive
0024	4841 Keswick Court	0119	15787 Moncure Drive	0194	15457 Silvan Glen Drive
0026	4715 Timber Ridge Drive	0120	15444 Beachview Drive	0195	15438 Silvan Glen Drive
0027	4839 Keswick Court	0121	15785 Moncure Drive	0198	15904 Dolphin Drive
0029	15534 Silvan Glen Drive	0122	15525 Yorktown Drive	0199	4695 Fishermans Cove
0030	4759 Timber Ridge Drive	0124	4743 Timber Ridge Drive	0200	15442 Silvan Glen Drive
0031	15352 Edgehill Drive	0125	4746 Timber Ridge Drive	0201	4604 Spalding Drive
0032	15526 Royal Crescent Drive	0127	15512 Royal Crescent Court	0202	4610 Spalding Drive
0033	4760 Timber Ridge Drive	0128	15522 Royal Crescent Court	0203	15975 Cove Lane
0034	4749 Timber Ridge Drive	0129	15440 Beachview Drive	0204	4842 Keswick Court
0035	15797 Butler Place	0130	4832 Keswick Court	0205	4711 Timber Ridge Drive
0036	4593 Clearwater Court	0131	15448 Beachview Drive	0206	15442 Beachview Drive
0037	15350 Edgehill Drive	0133	15443 Beachview Drive	0207	4707 Timber Ridge Drive
0038	4703 Fishermans Court	0135	4751 Timber Ridge Drive	0208	15567 Outlook Place
0039	4723 Timber Ridge Drive	0136	4844 Keswick Court	0210	15550 Golf Club Drive
0040	4837 Keswick Court	0137	15640 Golf Club Drive	0211	4732 Timber Ridge Drive*
0041	4707 Fishermans Cove	0138	4928 Breeze Way	0211	4734 Timber Ridge Drive*
0042	15536 Yorktown Drive	0139	4739 Timber Ridge Drive	0212	4737 Timber Ridge Drive
0044	15529 Yorktown Drive	0140	4897 Breeze Way	0213	15789 Moncure Drive
0045	15445 Beachview Drive	0141	4745 Timber Ridge Drive	0214	4916 Breeze Way
0046	4733 Timber Ridge Drive	0142	4735 Timber Ridge Drive	0215	4840 Keswick Court
0047	4685 Timber Ridge Drive	0143	4917 Breeze Way	0216	4612 Spalding Drive
0049	15533 Yorktown Drive	0144	4921 Breeze Way	0217	15531 Yorktown Drive
0050	4738 Timber Ridge Drive	0146	4925 Breeze Way	0220	4932 Breeze Way
0051	4691 Fishermans Cove	0147	15450 Silvan Glen Drive	0221	4913 Breeze Way
0052	15444 Silvan Glen Drive	0148	4691 Timber Ridge Drive	0222	4940 Breeze Way
0053	15348 Edgehill Drive	0149	15534 Yorktown Drive	0223	15342 Edgehill Dr
0054	15456 Silvan Glen Drive	0151	4742 Timber Ridge Drive		
0055	4762 Timber Ridge Drive	0153	15460 Silvan Glen Drive		
0056	15346 Edgehill Drive	0154	4755 Timber Ridge Drive		
0057	4736 Timber Ridge Drive	0155	15354 Edgehill Drive		
0058	4719 Timber Ridge Drive	0157	15973 Cove Lane		
0060	4761 Timber Ridge Drive	0158	15629 Golf Club Drive		
0062	15356 Edgehill Drive	0159	15795 Butler Place		
0063	4763 Timber Ridge Drive	0161	4908 Breeze Way		
0065	4741 Timber Ridge Drive	0162	15523 Yorktown Drive		
0066	15794 Devonald Place	0164	4699 Fishermans Cove		
0067	15436 Beachview Drive	0165	15557 Outlook Place		
0068	15784 Moncure Drive	0166	15650 Golf Club Drive		
0071	15789 Butler Place	0167	15436 Skyline Drive		
0073	15560 Golf Club Drive	0168	4909 Breeze Way		
0075	4753 Timber Ridge Drive	0169	4740 Timber Ridge Drive		
0077	15446 Silvan Glen Drive	0170	4900 Breeze Way		
0081	15791 Moncure Drive	0171	15344 Edgehill Drive		
0085	15514 Royal Crescent Court	0173	15570 Golf Club Drive		

3 * Asterisks denote Island Homeowners Association Joint Venture Docks