

Architectural Design Guidelines



Ellis Mill Estates Homeowner's Association, Inc.

Gainesville, Virginia

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1.0 Authorities and Purpose

1.1 Basis of Authorities

Living in a community such as Ellis Mill Estates offers many privileges; along with the privileges comes certain neighborly responsibilities and considerations. The *Declaration of Covenants Conditions and Restrictions for Ellis Mill Estates* (“Covenants”) have authorized the Ellis Mill Estates Homeowners’ Association (HOA) Board of Directors to establish the Architectural Review Committee (“ARC”) and the *Homeowners’ Association, Inc. Architectural Design Guidelines* (“*Design Guidelines*”) consistent with this purpose:

To maintain high standards of appearance, maintenance and use of all of the Lots so as to maximize the value of all the Lots in the community.¹

The definitions outlined in Section 1.B of the Covenants will be used as working definitions for the words used in the Design Guidelines.

1.2 Intent and Purposes

The Design Guidelines are meant to further clarify, supplement, explain or add detail to the standards already set forth in the Covenants. The Articles of Incorporation for the Ellis Mill Estates Homeowners’ Association, Inc. (“Articles of Incorporation”), and the Covenants are the foundational documents to the Design Guidelines, and have precedence over the Design Guidelines in the event of conflict or contradiction.

In addition to the purpose stated above, the Design Guidelines are intended to:

- Increase Owner awareness and understanding of the responsibilities that they must assume with respect to alteration and maintenance of Lot exteriors
- Supplement the Covenants and further describe the architectural standards and the associated guideline enforcement procedures established for Ellis Mill
- Assist Owners who are planning exterior alterations in preparing and submitting an Application for Exterior Alteration to the ARC
- Provide a uniform basis under which applications will be reviewed by the ARC
- Describe the organization and procedures for developing and amending the architectural guidelines established for this community

1.3 Amendments to Design Guidelines

This document is a guide and only a guide and is not intended to nor does it address all ideas, issues, and items that Owners may have. If an item is not specifically addressed in the Covenants or Design Guidelines, Owners shall submit an application to the ARC. The ARC will review the application, applying the general purposes and intent of the Covenants and Design Guidelines to their determination and decision; future Amendments to the Design Guidelines may result. Suggestions to the ARC are encouraged and should be submitted to ARMI. Owners are also encouraged to attend HOA meetings to address any issues that they may have.

¹ *Declaration of Covenants, Conditions and Restrictions for Ellis Mill Estates Subdivision, Section 1B. (11)*, p. 5

These guidelines may be amended as needed with the approval of majority of the members of the Board. Owners should submit to the Board written requests for changes in the guidelines which will, then, be submitted to the ARC for their consideration and recommendation. ARC recommendations for amendments will be submitted to the Board for consideration. Changes become effective immediately upon approval by the Board. Approved applications are bound by the Design Guidelines in effect as of the time of approval of the application.

2.0 Architectural Review Process

According to the Covenants:

No Person shall make any addition, alteration or improvement in or to the exterior of any house or any Lot other than normal upkeep such as repainting with the original colors, lawn and landscaping maintenance, without the prior written consent of the Architectural Review Committee.²

2.1 Architectural Review Committee

The Board of Directors shall establish an ARC, charged with the responsibility to review and make decisions on submitted applications, as appropriate, on all proposed exterior improvements to residential dwellings and/or Lots in this community prior to any changes. The purposes, powers, authority of the ARC are described in Section 8.1 of the Covenants. Additionally, the Board defines the following for the ARC:

- The ARC will consist of a three (3) to five (5) voting members appointed by the Board at the first Board meeting of the calendar year.
- The Board will designate an ARC Chairperson from the Members. Members shall serve for a term not to exceed one (1) year. Members may be reappointed but cannot serve more than three (3) consecutive one (1) year terms. All terms of office automatically expire on the date of the first Board meeting of each new calendar year.
- Any vacancies to the ARC during the year may be filled at the discretion the Board, and a term of six (6) calendar months or more will be considered a full term.
- If no ARC is appointed then the Board of Directors shall perform the duties of the ARC.

2.2 Application for Addition, Alteration or Improvement

2.2.1 General Guidance for Applications

Every Lot Owner must submit an application for any additions, alterations or improvements to his/her Lot by fax, mail or email to the ARC in care of the Association's current management agent at the address indicated in Appendix 1, hereof, or as otherwise set forth elsewhere in this document. Contact information for the ARC is included in Appendix 1. The ARC's written approval or Board's written approval upon appeal from an ARC is required before commencing any changes to the exterior of any Lot. ARC approval of one Owner's application for an exterior alteration does not exempt another Owner from seeking approval for a similar or identical exterior alteration.

In addition to any ARC or Board written approval, it is incumbent upon each Owner to obtain all required local, state, or federal governmental permits, licenses, consents and permissions, and ensure compliance with any and all applicable regulations and building codes. The HOA, Board and ARC are not responsible for an Owner's failure to obtain or procure any necessary or required governmental permits, licenses, consents and/or permissions or an Owner's failure to comply with any and all applicable regulations or building codes nor for the means, quality or method of construction on any addition, alteration, or improvement on a Lot.

The Owner should retain a complete copy of any application made to the ARC and for any approval or disapproval received for verification purposes and their own personal records.

It is strongly recommended that building materials not be purchased nor any contracts for proposed work be signed in anticipation of approval by the ARC.

2.2.2 Application Content

An Application for Architectural Review form is included in Appendix 2. Applications may also be obtained on the Association's website maintained by the Association's current management agent:

<http://www.armi-hoa.com/ellis-mill-estates-homeowners-association>

All applications shall include, at a minimum:

- The estimated maximum period of construction from start to completion of project. If the proposed period is considered unreasonable, the ARC may disapprove the application.
- Stated and/or graphically represented location of improvement as it relates to the residence/Lot and all adjacent property lines including setback dimensions, if any. All significant additions, alterations, and additions, such as fences, additions, etc., should be clearly shown on a plat plan or on a comparable architectural rendering, which clearly illustrates location and size of the project. A plan (top) view drawn to an appropriate scale of all proposed improvements and show overall dimensions must be included.
- Information on design, dimensions, scale to existing structures, materials to be used, color, and any structural changes needed to accommodate the design must be provided. Any appropriate construction detail must be provided.
- Descriptions of plant material (species and/or common name, and size and height at maturity), building materials, and colors including brand name and specification name and number, if any, must be noted. Show this information on plans. Include colors and finishes of all landscape items.
- Any additional information the Owner believes may be useful in determining the scope and detail of the proposed modifications as well as the impact on neighboring properties.

The Association is not responsible for any grading, regrading, or installation of proper drainage facilities or infrastructure. This is the sole responsibility and liability of the Owner and his architect, engineer, and/or contractor. No owner may alter any existing drainage patterns to neighboring Lots or extend any drainage pipe or channel to the end of their Lot onto the Common Area.

Any pictures, sketches, etc., submitted with the application, along with the application itself will be retained by the ARC.

2.2.3 Application Review Timeline

Upon receiving an application from an Owner, the management company will log in the application, and then forward it to the ARC. All applications will be checked for completeness and reviewed by the ARC, which in certain instances may require a site visit to complete the review process. In the case of an incomplete application, the ARC may request any and all information or documentation necessary which, in the opinion of the ARC will complete the application for review purposes. The ARC will only evaluate fully-completed applications within 45-days of receipt and will, otherwise, disapprove and reject any incomplete applications.

If the ARC fails to act on a matter before it within forty-five (45) days after submission of a complete application, the matter shall be automatically referred to the Board. Except when a request is being handled by the ARC, the Board shall be obligated to answer any written request for approval of a proposed structural addition, alteration or improvement within fifteen (15) days after the first Board of Directors meeting held following referral of the request. Failure of the Board to do so within the stipulated time shall constitute a consent by the Board of Directors to the proposed structural addition, alteration or improvement.

2.2.4 Application Disposition and Notification

The ARC will indicate the disposition of any application as, either: (1) *approved or disapproved*. Any disapproved application, including any incomplete application which is disapproved, may, subsequently, be resubmitted for review by the ARC if such application has been amended or revised in accordance with the ARC recommendations or is otherwise considered complete by the ARC. After review by the ARC, the paperwork will then be sent back to the management company. The approved or disapproved application will be mailed or emailed to the Owner. All applications and a copy of the response will be kept on file. In the event the application requires clarification, the ARC will notify the management company, which in turn will contact the Owner to provide the additional information. The ARC will evaluate the application within 14 days of receipt of the additional information. The management company will record the ARC's decision and notify the applicant, in writing, of the decision.

The ARC's review of all projects is completely independent and separate process from any necessary or required reviews, approvals, licenses, or permits required Prince William County. It is the sole responsibility of the Owners to obtain all necessary and/or required Prince William County reviews, approvals, licenses, and/or permits, including any building permits. See the Prince William County web site for information on permits, zoning, utilities, and other important construction related topics.

Obtaining a county building permit is not a substitute for obtaining the prior written approval of the ARC pursuant to the Association's recorded Declaration, and in no way guarantees nor should it be considered an approval by the ARC. The ARC reserves the right to reject any additional, alteration, or improvement to a Lot or any other exterior modifications not conforming to the Declaration, these Design Guidelines or such other community standards.

An application that lacks the necessary information for an adequate evaluation of the proposed addition, alteration, or improvement will be disapproved and the Owner may subsequently resubmit with the appropriate additional information or documentation to make it complete.

2.2.5 Disapproved Applications and Appeals Process

Disapproved applications may be modified and again submitted to the ARC. If the application is denied a second time, the following process must be followed to appeal the decision to the Board:

- A written appeal must be made to the Board within fifteen (15) days after receipt of notice of a disapproved application.
- The Board will establish a date and time to hear the appeal. Normally, this will be at the next scheduled Board meeting. A majority vote of the Board members present is required for reversal or modification of an ARC decision.

Changes implemented without an approved application or not in accordance with an approved application are in violation of these guidelines. The Board may require such changes to be removed or altered to conform to these Guidelines at the Owner's expense.

2.2.6 Architectural Variances

The ARC and the Board may, but are not required to, allow reasonable variances and adjustments of these guidelines, provided that such is done in conformity with the overall intent and purposes of the Covenants and Design Guidelines. Upon such written approval of any specific variance or exception from the requirements of the Design Guidelines, all development conforming to such variance or exception shall be deemed to comply. In the event of any variance or adjustment, the reason for granting the variance or adjustment will be stated and set forth in the written approval granted by the ARC.

2.3 Completing the Project

2.3.1 Approval of Application and Commencement of Work

In accordance with Section 7.5 (b) of the Covenants, any Owner obtaining approval for addition, alteration or improvement from the ARC shall commence the work within three (3) months of date of approval, and shall complete the work within three (3) months of commencing. Any other timelines for commencing and completing the work must be requested in the application and specifically approved in writing by the ARC. Although the ARC may approve other timelines for the work, it is under no obligation to do so. The work must be completed in exact accordance with the approved plans and specifications; the work shall not deviate materially from the plans and specifications without prior written consent of the ARC or Board.

If work under any approved application is not commenced within the approved timeline, the approval is void ab initio, and Owner must submit a new application. The new application is a separate matter from the original application, and the ARC is under no obligation to approve the new application once under consideration.

2.3.2 Completion of Work

The Owner shall notify the ARC within one (1) week upon completion of any approved addition, alteration or improvement.

The Owner may submit a written request to the ARC for extension of the deadline to complete the work. The ARC will consider the request for extension of the completion deadline within the purposes and intent of the Covenants and Design Guidelines., however, the ARC is under no obligation to approve the request for extension. If the ARC approves the request, then this approval shall stand as the new approved deadline for completion of the work. All other approved plans and specifications will remain in effect.

If the Owner does not obtain approval for a new completion deadline, the work must be completed as

originally approved. If the work is not completed within the approved timeline, the ARC will address the concern as an Architectural Violation and in accordance with Section 7.2 *Upkeep of Lots* in the Covenants.

2.3.3 Certificate of Compliance

Upon completion of the addition, alteration or improvement, the Owner may request a Certificate of Compliance from the ARC in accordance with Section 7.5(c) of the Covenants.

2.3.4 Architectural Violations

Any addition, alteration, or improvement upon any Lot existing or made in violation of the Covenants or Design Guidelines shall be removed or altered to conform to the Association Documents (including the Design Guidelines) within thirty (30) days after notice from the Board of Directors of the violation. Failure to comply will be handled in the same manner as described in Section 7.2 and Section 13 of the Covenants.

2.4 Pre-approved Additions, Alterations and Improvements

The following additions, alterations and improvements on a Lot, set forth in this section 2.4, are considered pre-approved by the ARC, and do not require application for approval so long as the work is completed in accordance with the descriptions provided for each, and in accordance with the rest of the Design Guidelines.

2.4.1 Decorative Objects

Except when otherwise a part of a larger landscaping plan on a Lot, individual decorative objects not larger than one (1) cubic foot (1x1x1 ft) are considered pre-approved. Examples of small objects include flowerpots, small natural rocks used in existing rock gardens, and other minor decorative garden accents.

2.4.2 Minor Landscaping

Minor landscaping on a Lot does not require approval by the ARC. Minor landscaping is defined as:

- Planting of annuals or perennials in existing beds.
- Installation of new beds less than four (4) feet wide around the perimeter of the house foundation (and deck, patio or fence if present) and perimeter of the rear of the Lot, if plants installed have a mature height of less than eight (8) feet.
- Installation of new beds less than three (3) feet wide adjacent to walks from the driveway to the front of the home, provided that plants have a mature height of less than three feet.
- Installation of new beds less than two feet wide around a mailbox post and around transformer/utility boxes, provided that plants have a mature height of less than three (3) feet. Installation of edging material around existing approved beds; must be installed at ground level.
- Planting of flowers around the mailbox so long as all parts of the bed are less than two (2) feet from the post, and flowers are less than eighteen (18) inches in height.

2.4.3 Display of Flags

Owners may display flags of the United States, the Commonwealth of Virginia, Prince William County or any school or non-profit organization. Seasonal flags may also be displayed during the appropriate season on a Lot. Notwithstanding the foregoing, any addition, alteration, or improvement, including any structure designed to support, display, or hold any flag, including any flag pole, must have the prior written approval of the ARC.

2.4.4 Signs

The following signs are allowed on Lots in accordance with the described guidelines:

- Real estate signs may only be placed in the yard of the house for sale, and not in any common area. Real estate signs shall not exceed four (4) square feet, and shall be limited to one (1) sign in the front yard and one (1) additional sign in the back yard. Open house sales signs are allowed but must be removed within 24 hours after the open house.
- Yard sale signs are allowed in the yard and at the entrances of the neighborhood, but they must be removed within 24 hours after the sale.
- Contractor signs are allowed during construction, shall not exceed four (4) square feet, and shall be limited to one (1) per Lot, shall be limited to the front yard, and shall be removed within one (1) week of completion of the project.
- Temporary political campaign signs are allowed, shall not exceed four (4) square feet, and shall be limited to three (3) per Lot, shall be limited to the front yard, and shall be removed within one (1) week of completion of the election.
- Small home security signs are not to exceed one (1) square foot and shall be allowed to be placed in the front of the house and in the rear of the house. No more than two (2) home security signs may be placed at one (1) house.

2.4.5 Satellite TV Dish

Satellite dishes are prohibited without prior ARC written approval; unless otherwise permitted under the Federal Telecommunications Act of 1996. The preferred location for satellite dishes is in the rear yard.

2.4.6 Temporary Recreational and Play Equipment

Temporary recreation and play equipment is defined as play equipment that is less than eight 8ft tall, and that can be removed from the Lot and stored inside the residence when not in use; including plastic play sets, plastic playhouses, slides, plastic sandboxes, trampolines, skateboard ramps, etc. Temporary recreation and play equipment may only be placed in rear yards on a daily basis during the day and brought inside at dusk. If the equipment cannot be stored inside when not in use, it is considered permanent recreation and play equipment and the owner must obtain approval from the ARC prior to installation or use.

2.4.7 Temporary Seasonal Inflatable Pools

Above-ground temporary seasonal inflatable pools with a diameter less than twelve (12) ft are pre-approved. They shall be placed in the rear yard only and only on a daily basis being taken off the Lot at dusk each day after use. All other pools require ARC pre-approval to be installed or used.

2.4.8 Mailboxes

Alteration or improvement of mailboxes may be done without application to the ARC provided the following standards and guidelines are adhered to:

- Only Number 1 and 2 size Post Office-approved mailboxes are allowed.
- Mailbox shall be white, black, or natural wood shades and may have small decorative printing on them, such as the name of the Owner.

- Posts should be pressure treated wood similar in color, shape, and size to others in the community, or made of synthetic material of a design consistent with original design provided by the builder.
- Newspaper boxes must be located on the mailbox post. No separate posts for newspaper boxes are allowed.

3.0 Architectural Standards

In addition to the general standards, prohibitions and requirements outlined in Section 10 and Section 11 of the Covenants, the following standards and guidelines are imposed on EMES, and will be used by the ARC in review and decisions within their responsibilities. All of the following additions, alterations, and/or improvements require prior written approval and consent from the ARC.

3.1 External Structures

3.1.1 Storage Sheds

Storage sheds require prior written approval by the ARC. Applications for new shed construction should include a picture or plans for the proposed shed, and a graphic representation on a plat as to where it will be located on the Lot. Sheds should be of a similar color and design to the Owner's residence. Roofing shingles must match the shingles of the principal structure.

3.1.2 Temporary Structures

In accordance with the Covenants, "No structure of a temporary character, and any trailer, tent, shack, barn, pen, kennel, run, stable or other accessory building shall be erected, used, or maintained on any Lot." This restriction does not apply to temporary structures such as tents and inflatables for lawn parties, or trailers for rental equipment needed for yard maintenance, so long as they are removed within one (1) week. Any temporary structure erected, used or maintained on any Lot in excess of one (1) week will be considered a violation and handled in accordance with the Covenants.

3.1.3 Screened Porches and Gazebos

Screened porches and gazebos must have the prior written approval of the ARC and shall be considered for addition to the rear of the residence on a Lot so long as the structure does not extend beyond the sides of the house. Construction materials shall be of pressure treated lumber as appropriate for decking or similar grade of materials in accordance with existing house construction materials. Exterior materials shall be in accordance with the current house construction material to include the gutters. The porch roof shall be pitched to match as close to the existing roof pitch as possible. Where window locations do not allow a pitched roof, a flat roof will be allowed. All screened porches shall be one (1) story high. All stain and paint colors must remain in accordance with existing color scheme.

3.1.4 Decks and Patios

Decks and patios must be approved by the ARC. Applications for construction or modification of decks and patios must include a house location survey showing the placement of the deck and setbacks in the rear of the house. Deck structure must be constructed of pressure treated wood and exterior grade hardware. Deck planking can be pressure treated lumber or other weather resistant material. Patios must be made from concrete, flagstone or decorative pavers and be in the rear of the residence on the Lot.

3.1.4.1 Location. Decks (and stairs) must be located in rear yards and should not break the side plane of the house. Decks shall not be erected forward of the rear plane of a dwelling unit. Decks must meet Prince William County building code specifications, which include a provision that decks must be constructed no closer to the Lot line than ten (10) feet.

3.1.4.2 Scale & Style. Decks, particularly elevated decks, should be of a scale and style, which are compatible with the home to which attached. Specific dimensions shall be considered on a case-by-case basis.

3.1.4.3 Color. All painting or staining of decks and patios must complement that of the primary structure and be in harmony with the neighborhood. The band boards, picket rails, posts and top rail may be sealed in its natural color, or stained with a natural wood color approved by the ARC. They may also be synthetic materials in earth tones, white or gray. All other wood components must be sealed. A sample of wood color must be included with the application. No application is necessary when repainting or re-staining in the same color.

3.1.4.4 Privacy Trellises and Screens. The attachment of privacy screens and trellises for elevated decks will be permitted if consistent with the size of the deck and home. Privacy screens shall not extend more than three (3) feet above the top rail and require approval by the ARC.

3.1.5 Recreation and Play Equipment

Recreation and play equipment (swing sets, playhouses, slides, sandboxes, trampolines, skateboard ramps, etc.) may only be placed in rear yards, not visible from street or front of house, and shall be set back a minimum of six (6) feet from the rear and side Lot lines. All swing set frames and other structures must be constructed of wood or metal, and shall be of compatible size with the Lot. Applications for such play equipment should include a color photograph or catalogue cut sheet, the physical dimensions of the equipment and proposed location on the Lot.

3.1.6 Satellite Antennae and Dishes

Satellite dishes and other antennae are prohibited without prior ARC written approval; unless otherwise permitted under the Federal Telecommunications Act of 1996.

3.2 Improvements to Existing Home Structure

3.2.1 Additions/Sunrooms/Four Seasons Rooms

Sunrooms and Four Seasons Rooms will only be considered for construction on the rear of the home and must remain within the original side planes of the home. All materials used in additions/sunroom and four seasons rooms must be similar in grade or better than those used in the original home construction. Exterior construction materials (e.g. roofing, siding, gutters, downspouts) must be of the same grade or better and identical color as the original construction. Windows and doors must be consistent with the design, style, and quality in use in the home, to include color. Roof styles shall match the existing residence.

3.2.2 Attic Fans or Ventilators

Attic fans or ventilators are permitted, but require ARC approval. Roof-mounted ventilators may only be installed on the rear of the residence on a Lot in accordance with the Covenants. Additionally, gable end ventilators may be installed in the rear of the residence on a Lot in the attic so long as the louvers match the siding or trim on the house, including the siding and trim color.

3.2.3 Air Conditioners

Addition of Exterior ground units requires the ARC approval. Window-type air conditioning units extending from the house are prohibited.

3.2.4 Solar Panels

Installation of solar panels requires ARC approval. Solar panels shall be installed on the rear-roof of the house if practical, and shall not be visible from the street or front of the house.

3.2.5 Porticos/Covered Porch

The size of the proposed portico shall be limited to that necessary to cover the existing concrete or brick stoop on the home and shall be built to scale of the surrounding structures. Materials used in the construction of the portico must be of equal or greater quality to that used in the original home construction, and must be of a style and color consistent with the original home. Any proposed trim color change must be applied to the trim of the entire home.

3.2.6 Exterior Colors

Repainting original colors is considered normal maintenance, and does not require ARC approval. However, painting or repainting other than original colors is considered alteration/changes, and requires ARC approval. Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. The following standards and guidelines are in effect for exterior paint:

- Exterior color should be compatible with colors of the houses in the immediate area.
- The trim work (soffit, fascia, window surround, door surround detail, etc.) and the garage doors shall be painted the same color.
- The shutters and the front door can be painted matching accent color(s).

Changes to existing color schemes must adhere to the original approved exterior colors:

- **Siding** : (Norandex "Summit Manor") White, Cream, Beige, Linen, Champagne, Wheat, Silver, Granite Gray, Sand, Tan, and Clay.
- **Shutters** : Black, Federal Brown, Tuxedo Gray, Bordeaux, Forest Green, Burgundy, Musket Brown, Classic Blue, Wineberry, and Midnight Green.
- **Door**: Corresponded with shutter color or an approved accent color.
- **Trim**: White, neutral, or approved accent color.
- **Roof/Shingles** : Burnt Sienna, Charcoal Blend, Heather Blend, Green, Oyster Gray Blend, Pewter Gray Blend, and Slate Blend.

3.3 Improvements and Additions to Lot

3.3.1 Signs, Billboards, Banners or Advertising Structures

Permanent signs, billboards, banners, or advertising commercial products are prohibited.

3.3.2 Driveways

Driveways and extensions may only be constructed of concrete or asphalt suitable for vehicular traffic. Approval must be obtained for any construction or expansion of existing driveways. Gravel, stone dust, wood chips, or similar non-monolithic material is not permitted. All other requirements for driveways outlined in the Covenants are in effect as written.

3.3.3 Exterior Decorative Objects

No permanent decorative items larger than one (1) cubic foot and over twelve (12) inches in height may be placed on dwellings or in the front or side yard of any Lot, except with prior written approval of the ARC. Decorative objects include but are not limited to flagpoles, large stones, sculptures, statuary, birdbaths, weather vanes, freestanding poles of all types, fountains, and ANY item attached to approved structures (i.e. house numerals). These will be evaluated in terms of their general appropriateness, size, location, compatibility with architectural and environmental design qualities and visual impact on neighborhoods and the surrounding area.

3.3.4 Exterior Lighting

Lampposts must not exceed eight (8) feet in height, including fixture. Any floodlights or decorative lighting shall be installed so as not to shine into neighbors' windows and minimize illuminating neighbors' yards or motorists, and must be harmonious with the surroundings. No floodlights in excess of 150 watts will be permitted.

If a carriage light or other type of lighting designed to operate automatically from dusk to dawn and to provide for street lighting is connected to the dwelling and is located on an Owner's Lot, the Owner shall be responsible for the daily operation and maintenance. Exterior lighting should be utilized from dusk to dawn to promote community safety.

3.3.5 Fences

An application must be made to the ARC prior to the installation of any fence in the Community. Care should be taken so that the proposed location does not obstruct sight lines of vehicular traffic or impede safety. Design and style of the fence should be compatible with other fences in the surrounding area and relate to or complement the architectural design of the house. Fencing which is finished on one side only must be constructed with the finished side facing out. Chain link fences are **PROHIBITED**. Use of other metal materials is subject to review and will be addressed on a case-by-case basis.

3.3.5.1 Materials . Only picket, solid board, shadow board, or other attractive wood fencing no less than four (4) feet and no higher than six (6) feet in height are permitted. Fences must be constructed of pressure treated or rot-resistant pressure-treated lumber composite wood or vinyl (PVC). Other material may be approved by the ARC, such as synthetic materials in earth tones or painted white.

3.3.5.2 Color. All fences shall be sealed in its natural color, stained earth tones, or painted white. For vinyl (PVC) fences, white vinyl (PVC) fencing is permitted and the material should be virgin vinyl, not recycled and the material should be verified to be ultra violet protected.

3.3.6 Flag Poles

Freestanding flagpoles are not permitted.

3.3.7 Hot Tubs and Spas

The ARC will consider freestanding hot tubs and spas where they are sited behind the home and in the rear yard only and in a secluded area not visible from neighboring property. Hot tubs and spas are considered to be for the private use and enjoyment of the Owners and shall not become a distraction, nuisance, or annoyance for the Owner's neighbors or the community.

3.3.8 Landscaping

All landscaping requires ARC approval except that considered Minor Landscaping as defined in section 2.4.2 Minor Landscaping. In addition to the standards set in the Covenants, the following standards and guidelines are in effect for landscaping:

- The installation of trees and bushes on the Lot is subject to review as to type of plant material and location of proposed installation.
- Landscape materials may not be installed on easements shown on a site plan or plat map.
- There shall be no adverse impact to adjacent neighbors and/or common area.
- Stone, masonry or keystone landscape walls should not exceed two (2) feet in height. The use of natural stone is preferred. However, brick or cultured stone may be approved if consistent with the design characteristics of the home and adjoining properties.
- There shall be no adverse drainage impact to adjacent neighbors and/or common area.
- No tree, hedge, or other landscape feature shall be planted or maintained in a location which pose safety hazards, such as obstructing sight lines for vehicular traffic on public streets.
- Hedgerow plantings (five (5) or more bushes or trees), decorative fencing, or other materials designed to provide a barrier are subject to the architectural standards regarding location that apply to fences.
- Decorative fixtures, such as trees, rocks, and tripod split rail corner fixtures must not be butted up against sidewalks, pathways, or pipe stems. A minimum set-back of two (2) feet is required.

3.3.9 Swimming Pools

Except as otherwise herein provided, the installation of all pools must have the prior written approval of the ARC. Only in-ground pools are permitted. All pool filters, pumps and other equipment shall be installed in the rear yard, and shall not extend beyond the side plane of the house so as to be visible from the front of the house.

Appendix 1. Architectural Review Committee Contact Information

Mailing Address

You may contact the ARC via mail at the following address (current at the time of this printing):

Ellis Mill Estates
ATTN: Architectural Review Committee
Austin Realty Management & Investments, Inc.
PO Box 3413
Warrenton, VA 20188

Email Address

You can contact the ARC via HOA Board of Directors' email address (please include ARC in the subject line):

HOA@armiva.com

You may also scan and email your application Architectural Review to the management office:

hoaassistant@armiva.com.

Telephone or Fax

You may contact the ARC via the management phone and/or fax:

Office: 540-347-1901 ext. 113

Fax: 540-347-1900

Contact Us Form

You may contact the ARC via the Contact Us form on the association website:

<http://www.armi-hoa.com/ellis-mill-estate-homeowners-association>

Appendix 2. Application for Architectural Review

ELLIS MILL ESTATES HOMEOWNERS' ASSOCIATION, INC.

ARCHITECTURAL APPROVAL FORM

FROM: _____ **DATE SUBMITTED:** _____

ADDRESS: _____ **PHONE:** _____

TO: Architectural Review Committee

Request the following architectural change be authorized:

DESCRIPTION: _____

SPECIFICATIONS (specify all that apply)

Model: _____

Color: _____

Height: _____

Materials: _____

NOTE: ATTACH DRAWING/PLAN/PHOTOS AS REQUIRED

Applicant hereby warrants that Applicant shall assume full responsibility for:

- A. All landscaping, grading and/or drainage Issues relating to the improvements (including replacing bonds or escrows posted by the Developer currently in place affecting the Lot);
- B. Obtaining all required Town of County ordinances relating to said Improvement;
- C. Complying with all applicable Town or County ordinances;
- D. Any damage to adjoining property (Including com mon area) or injury to third persons associated with the improvement.

TO: Homeowner

FROM: Architectural Review Committee

Your request for architectural change is hereby Approved/Disapproved _____

Signature Date

If disapproved, for the following reason(s): _____

Questions: Call ARMI at (540) 347-1901, Fax (540) 347-1900 or Email to hoa@armiva.com,
or sent in letter to Austin Realty Management & Investments, Inc.,
PO Box 3413, 10 Rock Point Lane, Warrenton, VA 20188
Completed form may be sent by fax, email, or regular mail