



USE RESTRICTIONS

Valley Vue Disclosure Packet

Abstract

This document outlines the regulations for the use of the property and to perform acts to enforce the provisions of the Governing Documents. This is part of the deed to every lot within Valley Vue. The intent of Covenant enforcement is to assure homeowners that the standards of design quality will be maintained consistently throughout the community. This, in turn, protects property values and enhances the overall community environment.

VALLEY VUE USE RESTRICTIONS
(In concert with the HOA Covenants and Prince William County Codes)

AUTHORITY

The authority and responsibility for maintaining the quality and design in Valley Vue is founded in the Declaration of Covenants and Restrictions, Article III, Section 3(c)(2) of the Declaration of Covenants and Restrictions effective 31 March 1989. It establishes the Authority of the Board of Trustees to establish rules and regulations for the use of the property and to perform acts to enforce the provisions of the Governing Documents. Those documents are part of the deed to every lot within Valley Vue. The intent of Covenant enforcement is to assure homeowners that the standards of design quality will be maintained consistently throughout the community. This, in turn, protects property values and enhances the overall community environment. This revised Use Restrictions document was formally adopted by the Valley Vue Board of Trustees during their 20 May 2014 meeting.

APPLICATION PROCEDURE

In accordance with Article III, Section 4, the Architectural Review Board (ARB) will review all applications for exterior modifications. Homeowners are required to submit an *Application for Exterior Modification* to the ARB for any proposed change or addition to the lot. The ARB will review the application within fifteen (15) business days of receipt and send a written approval or denial of the application. Failure of the ARB to act within fifteen (15) business days constitutes approval of the application.

Items that do not require ARB approval:

- Repair and replacement of exterior materials with new materials of like color, style, and function;
- New decorative trees, shrubs, plants, and ground covers;
- Play equipment located in a rear yard or not visible from the street;
- Interior modifications.

The homeowner may appeal an adverse decision by the ARB to the Board of Trustees in writing within ten (10) business days of receipt of an adverse decision. This request must include any new or additional information, which clarifies the application or demonstrates why the application should be approved. The Board of Trustees will respond, in writing, to a request for reconsideration within thirty (30) business days from the date of receipt of such request.

USE RESTRICTIONS

In addition to all other covenants which appertain to the land lying within the development limits of the Valley Vue subdivision, and in accordance with Article VI of the Declaration of Covenants and Restrictions, the use of the property and each Lot therein is subject to the following use restrictions. These use restrictions supersede use restrictions established prior to the effective date of this document.

Section 1: Lots to be Used for Residential Purposes

The Lots shall be used for residential purposes exclusively, and no building shall be erected, altered, placed or permitted to remain on any such Lot other than one used as a single-family dwelling, except that a building may be used for a home occupation as defined in the applicable zoning ordinances of Prince William County, provided that such use shall be in strict conformance with all applicable zoning ordinances and regulations.

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Section 2: General Prohibition on Commercial Activities

No part of the Property lying within the development limits shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending, or other such non-residential purposes that causes the property to be in violation of any local zoning ordinance or any parking, structure, nuisance, signage, or other use restriction outlined herein. Prince William County regulates in-home businesses and in addition to County control, the Association is concerned about the impact of in-home businesses on the residential character of the neighborhood and on adjacent neighbors.

In addition to meeting the regulations of the County, the Association requires the following for in-home businesses :

- No sign or other advertising device of any nature shall be placed upon any lot.
- No exterior storage of business-related materials will be allowed.
- See Section 6 regarding parking of vehicles.

Section 3: Signs

No sign or billboard of any kind shall be displayed to the public view on any portion of the Property or any Lot, except one (1) sign of dimensions not more than eighteen inches (18") by twenty-four inches (24"), advertising the Property for sale or rent. The only exception is for entrance signs or monuments erected on Common Areas for the purpose of identifying the name of the subdivision.

Section 4: Nuisances

No noxious or offensive activity shall be carried on upon any Lot or any part of the Property, nor shall anything be done thereupon which may be, or may become, an annoyance or nuisance to the neighborhood, or which shall in any way unreasonably interfere with the quiet enjoyment of each of the owners of his or her Lot or respective dwelling unit, or which shall in any way increase the rate of insurance.

Section 5: External Structures

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building, or above-ground swimming pool, shall be erected except as may be permitted by the Trustees, acting through the Architectural Review Board according to published criteria; nor shall any such structure be used on any Lot at any time as a residence either temporarily or permanently.

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Furthermore, any vertical, enclosed structure built attached to an existing structure shall be constructed of essentially the same materials as the existing structure. Examples of such structures are room additions, garage extensions, screen porches/decks, etc. (Note: This does not apply to open decks and gazebos which may be of natural wood or wood stain finish.) Unattached, external enclosed structures (i.e. sheds, play houses, etc.) shall be finished in colors complimentary of the Property's primary structure.

Exterior structures must be approved by the Architectural Review Board before construction. In general, structures may be no larger than two hundred and forty (240) square feet and no more than twelve (12) feet in total height with an appropriate pitch to the roof. Any garage door, whether on an attached or detached structure, may not exceed seven (7) feet in height. Structures must generally be placed behind the front edge of the primary dwelling. Foundations must be poured concrete slab or poured concrete posts if the structure is greater than one hundred and fifty (150) square feet. If a smaller structure is placed on concrete blocks or treated wood posts, the siding material must conceal the blocks or posts. Exterior construction must be of wood, vinyl, architectural metal, or other materials complimentary to the primary structure. All-metal structures are not permitted. If the structure will be visible from the street or adjoining properties, the adjoining property owners must be notified prior to construction or acquisition of the structure. The Prince William County permit process must be followed where necessary. The number of exterior structures is limited to one structure unless an exception is granted by the ARB and such structures do not detract from the residential aesthetic nature of the neighborhood.

Section 6: Motorized Vehicles, Recreational Vehicles, and Trailers

Recreational vehicles and trailers include the following and similar types of vehicles:

- a. Any boat, watercraft, or boat trailer.
- b. Any motor home or other self-contained camper.
- c. Any camper slip-ons not mounted on the vehicle.
- d. Any mobile home, trailer, or fifth-wheel trailer.
- e. Any vehicle that is not self-propelled and designed to be pulled or towed by a motor vehicle.
- f. Any pop-up camp/tent trailer or other similar recreation oriented portable or transportable facility or conveyance.
- g. Any other vehicle not defined above which could not normally or regularly be used for daily transportation, including dune buggies, ATV's, inoperative automobiles, or other automotive equipment not licensed for use on the roadways of Virginia.

Commercial Vehicles - For the purposes of requiring screened parking and storage on a lot in Valley Vue, the following vehicles shall be treated in the same manner as recreation vehicles:

- a. Any vehicle defined as commercial by Prince William County code.
- b. Any vehicle that has commercial signs or advertising or visible commercial equipment.
- c. Any private, school, or church buses.

The following regulations apply to all vehicles and Lots within the Valley Vue subdivision:

- No motorized vehicle, recreational vehicle, or trailer may be stored or maintained upon the yards or sidewalks of any Lot, or upon rights-of-way adjacent to such Lots; and no vehicle upon which registration plates are not displayed shall be kept upon any area of any Lot except within an enclosed garage.
- Common Areas shall not be used, in any circumstance, by any Lot owner, for the storage of any vehicle.

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- Recreational vehicles and trailers shall be kept within enclosed garages or architectural screens so that they are not visible from the street or from another lot; except, that such vehicles may be temporarily parked in a driveway appurtenant to a Lot for a period not exceeding fourteen (14) calendar days in a month with prior written notification to the Board of Trustees.
- The repair or extraordinary maintenance of automobiles or other vehicles shall not be carried out on any of the Lots or Common Areas.
- No junk vehicle, whether registered or unregistered, shall be kept within any Lot.

Section 7: Household Pets and Other Animals

No animals (other than household pets), livestock or poultry of any kind shall be raised, bred, or kept on any Lot. Dogs, cats, or other household pets may be kept on the Lot subject to Prince William County rules and regulations and provided they are not kept, bred, or maintained for any commercial purpose, or in unreasonable numbers. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in an annoyance or are obnoxious to residents in the vicinity.

Owners are responsible for cleaning up after pets regardless of where they are.

Section 8: Storage of Refuse and Other Materials on Lots

All rubbish, trash, and garbage shall be regularly removed from the Property, and shall not be allowed to accumulate thereon. All clotheslines, large refuse containers, storage areas, and machinery and equipment shall be prohibited upon any Lot, unless obscured from view of adjoining Lots and streets by a fence or appropriate screen approved by the Architectural Review Board.

No off-site trash, rubbish, refuse, debris, wood chips, logs, limbs, or stumps may be dumped or stored on any lot or common area except for firewood or for storage for a reasonable period (not exceeding ten days) immediately after clearing of property. Grass and weed clippings may be stored in a compost pile provided they do not present an odor nuisance and enclosures are maintained in proper form and appearance.

Section 9: Radio and Television Antennae

No radio or television transmitting antennae or external apparatus shall be installed on any Lot. Normal radio and television receiving antennae installations are allowed. Installation of satellite antennae greater than one meter in diameter will be permitted only after careful review and approval of the Architectural Review Board and notification to all adjoining property owners to which the antennae installation will be visible. Such antennae shall be sufficiently camouflaged and screened from view so that they complement both the property and the community and such that the satellite antennae apparatus is not visible from the street.

Section 10: Fences and Walls

- No fence, wall, or other similar structure shall be erected on any portion of a Lot which is nearer the street upon which the Lot fronts than the front of the house erected on the Lot.

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- No fence shall be erected that does not comply with acceptable aesthetic criteria, as determined and published by the Architectural Review Board. Adjoining property owners must be notified of intent to erect such fence or wall. Fences shall be of wood, vinyl, architectural metal or other approved material of similar or higher quality and durability.
- No chain link fences may be erected upon any Lot.
- Fences may be no higher than six (6) feet.
- All fence and wall ARB applications require a Prince William County Zoning Permit to be submitted along with a drawing of the intended fence or wall on the Plat.

Section 11: Lease Agreements

Any Lease Agreement between a Lot Owner and a Lessee shall provide for an initial Lease Period of not less than six (6) months and shall provide that the terms of the lease are subject in all respects to other provisions of this Declaration, and the Articles of Incorporation and By-Laws of the Association.

Section 12: Use of Garages

No garage shall be utilized for other than the purpose of storage of vehicles, and household items and other items of personal property such as are normally stored in garages, and which belong to the owner of the Lot. Except for the purposes of immediate access to the inside of a garage, garage doors shall at all times remain in a closed position.

Section 13: Snow Removal

As decreed by Prince William County regulation, each resident is responsible for removing snow from the sidewalk directly adjacent to their property.

Section 14: Architectural Standards

No single family residential structure shall be constructed or reconstructed on any lot lying within the development limits of Valley Vue subdivision of which the habitable floor area, exclusive of basements, porches, patios, and garages, is less than two thousand, two hundred (2,200) square feet. The architectural design, styling, and building materials utilized in the construction of all dwelling units shall be substantially similar to those already in existence within the subdivision as of 19 November 1993.

Section 15: Color Restrictions

Colors and materials used in exterior renovation projects shall be complementary with the existing color palate of the Lot and with the character of the Valley Vue subdivision.

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Section 16: Waivers of Use Restrictions

The Board of Trustees, by resolution, may waive the applicability of these restrictions in specific cases for good cause provided that no waiver conflicts with restrictions articulated in the Declaration of Covenants and the Use Restrictions document. Further, no waiver may be granted which has the effect of diminishing the property values within the community, or allowing deterioration of the architectural and aesthetic standards prevalent in the community as of the date of adoption of these restrictions.

Any waiver of these restrictions granted with respect to any individual Lot or Lots lying within the development limits does not constitute, and shall not be construed as constituting, a general waiver of these standards or any part of them; or as a waiver of the applicability of these standards, or any part of them, to other Lots lying within the development limits.

Section 17: Notification of Building Activity

All parties engaging in the construction or reconstruction of residential dwellings or appurtenances thereto within the development limits of Valley Vue subdivision are required to notify the Architectural Review Board of the obtainment of any applicable governmental permits for construction at the time the same are secured, in order to facilitate the review of building plans by the Architectural Review Board for conformity to architectural standards and/or previously approved master plans. Furthermore, parties engaging in the construction or reconstruction of residential dwellings or appurtenances within the development limits of Valley Vue subdivision are notified of the adoption of the foregoing requirement in order to ensure compliance by all such parties with these provisions.

Section 18: Exterior Appearance

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, and playground type of equipment as mandated by the Declaration of Covenants and Restrictions, Article VI, Section (2)(a), and applicable Prince William County codes.

The following represent some (but not all) of the items and conditions which must be maintained:

- Peeling paint
- Cracked or broken siding
- Recreation equipment which is either broken or in need of repainting
- Guttering in need of painting, repair or replacement
- Fences or railings with broken or missing parts, or which are leaning
- Decks/fences in need of repair or re-staining
- Concrete or masonry block foundations and/or walls in need of repainting
- Driveways and leadwalks in need of repair
- Ditch and ditch line maintenance and clearing
- Rust stains or any material that has become stained
- Excessive mold/mildew staining on roofs, or missing/damaged shingles
- Excessively damaged or cracked/broken asphalt surfaces such as driveways

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Section 19: Grass, Weeds, and Landscaping

Residents must follow the following standards for maintenance and control of grass and weeds on developed and undeveloped lots and common areas:

- All grass and weeds on developed or undeveloped, cleared lots shall be mowed to maintain a maximum height of nine (9) inches or less at all times.
- All grass and weeds, between road right of ways and the nearest continuous tree line shall be mowed to a maximum height of nine (9) inches. Where tree lines are not continuous, mowing shall take place at least ten (10) feet behind the nearest continuous tree line.
- All grass and weeds on other areas not otherwise specified herein, shall be controlled for growth in a manner that is comparative with the aesthetic standards of the community as described by the Board on a case by case basis.
- In addition to grass maintenance, the following maintenance is required:
 - a. Residents must prune vegetation, control weeds, apply supplemental water, replace mulch, and take other necessary measures to sustain their landscape in a neat, orderly, vigorous, and healthy condition. This includes trimming of grass/curb edges in the area along streets adjacent to their property.
 - b. Bushes, trees, shrubs, and like vegetation must be neatly trimmed and maintained to keep their size in proportion to the lot and home. Any dead bushes, trees, or shrubs should be immediately removed.
 - c. Dumping of debris or lawn clippings on common areas/open space is prohibited.
- Leaves should be seasonally removed from lawns, driveways, and ditches as needed to ensure a neat and clean appearance and to ensure the proper flow of water between each lot.
- In accordance with Declaration of Covenants and Restrictions Article VI, Section (2)(b), should an Owner fail to maintain the property, the Association, after a fourteen (14) business day Notice to the Owner in accordance with the Virginia Property Association Act and Valley Vue Governing Documents, and upon approval by a two-thirds (2/3) vote of the Board of Trustees, may permit a third party to enter the property to conduct maintenance. All costs related to such maintenance shall be assessed to the Property Owner for prompt payment or will become an assessment upon the lot due at the time of settlement plus any applicable interest accumulated.

Section 19: Grading and Seeding

Apart from active construction under a current Prince William County building permit which is available for inspection at the site, or apart from a written waiver by Prince William County which permits final grading and seeding to occur after the use and occupancy permit has been granted for a new house, no portion of any lot or common area may be left ungraded and unseeded more than fifteen (15) business days after clean fill dirt has been placed on the property or the original vegetation has been cleared. Steps shall be taken as necessary to establish the new vegetation, and it shall be maintained in conformity with all other restrictions.

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Section 20: Remedies for Violations and Procedures

The Board of Trustees may issue written notice of violations of any and all of these Use Restrictions, and require conformity to these restrictions within a reasonable time after such notice. Failure on the part of any lot owner to conform to restrictions shall be grounds for imposition of charges not exceeding fifty dollars (\$50) for a single offense, or ten dollars (\$10) per day for any offense of a continuing nature, in accordance with the provisions of Title 55, Chapter 26, Sections 513-517 of the statutory code of the Commonwealth of Virginia. Payment of unpaid per diem charges for violations of any and all Use Restrictions may be enforced through the affixation of liens upon the properties subject to violation for accrued charges. The Board may take such other action as may be required to ensure conformity, including removal of offending material.

In accordance with Article III, Section (c)(3)(7), Enforcement of Governing Documents, The Board of Trustees has the duty to perform acts, as may be reasonably necessary or appropriate, including bringing suit, causing a lien to be filed or foreclosed, suspending membership rights, or enforcing or effectuating any of the provisions of the Governing Documents. As such, the Board has established a procedure for reviewing complaints and enforcing the restrictions outlined in the Governing Documents as follows:

1. A written complaint is filed with the Board of Trustees or a complaint is presented in person at a monthly board meeting. No Use Restriction complaints will be taken over the phone to prevent frivolous accusations.

2. If the complaint is found to be valid (a violation of Use Restrictions), then a member of the Maintenance and Beautification Committee will send a letter to the violating homeowner within seven (7) business days to notify the owner of the complaint. This letter will give the homeowner a fourteen (14) business day deadline for compliance with the Use Restrictions and will outline the possible penalties for failure to comply.

3. If the homeowner fails to comply by the deadline or show good faith to attempt to comply, a second letter will be sent advising the owner of his right to hearing, in accordance with Virginia statute.

4. Should the owner waive his right to hearing and continue to be in non-compliance, per diem fees may be assessed. Should the owner attend a hearing, the Board of Trustees will make a determination on the remedy.

5. If it has been determined that per diem penalties will be applied, the owner will have the responsibility for notifying the Board of Trustees in writing that the issue has been addressed. The issue will then be reviewed to determine if it has been sufficiently addressed. Refer to the Due Process Resolution 2013-01 for the complete process.