



## Willow Oaks Architectural Control Guidelines

### 1. Architecture Control Committee (ACC) Policy:

These guidelines are written based on articles written by previous ACC chairmen and 2011 new members, and are intended to clarify the Covenants where questions tend to arise. The covenants of Willow Oaks community are a part of the deed that all homeowners sign when purchasing a home in Willow Oaks and are the final determining factor in all matters concerning the ACC. These guidelines do not preclude the submission of, nor guarantee approval of, an ACC request form. Each request will be evaluated on its own merit.

In summary they state:

#### **\*Section 10, Item 3 of Willow Oaks Protective Covenants filed with the deeds:**

"No building, garage, accessory building, outbuilding, fence nor any addition to existing buildings, garages, accessory buildings or fences nor any other structure, pole, radio or television aerial or transmitter/mast or tower except structures permitted under the provisions of paragraph 7 of these restrictions, shall be erected or permit to remain upon any lot in the subdivision, unless the plans and specifications for the same (2 copies), a plat showing placement of the building or structure upon the lot (2 copies) and such additional information as to exterior materials and architecture (2 copies) as may be called for by the Willow Oaks Architectural Control Committee have been signed by said committee and approved by it in writing.... The standard to be applied shall be determined and/or changed by the Committee from time to time as it, in its sole discretion, shall determine with the general standards, to be applied being calculated to ensure harmony of exterior design, appearance, materials, and placement of building and structures, within the subdivision."

Homeowners should familiarize themselves with the provisions of this paragraph and follow the requirements when submitting a request for a fence, shed, house additions, any other structure or item as delineated in the section.

It is the policy of the ACC to work with the homeowners to achieve a position of mutual satisfaction. It is imperative that the homeowner request and obtain written approval, however, before proceeding with construction. It is the ACC's responsibility to maintain and uphold the integrity of the neighborhood and to protect property values. If you have any doubts about your project, call a committee member.

If you plan to do any work which requires approval of the ACC, you may get the necessary request forms by contacting any of the members of the ACC or go to our website [www.willowoaks.org](http://www.willowoaks.org). We will process the forms as quickly as possible. Two forms are required.

**Neighbors Input:** You are required to get the signature of all neighbors who have line of sight to your proposed project, indicating agreement or disagreement to the project. Although this is not the final determining factor in the approval/disapproval process, the attitude of your neighbors is important since they must live with the results.

See underlined requirements of covenant summary on sheet 1. Upon approval by the ACC, a building permit shall be obtained from the city at City Hall, 22 Lincoln Street, 3rd Floor, (728-2444).

The Architectural Control Committee is empowered to grant waivers to the protective covenants,(Item 8) or if required, enforce them. The covenants grant the ACC sole discretion in determining the rules under which it will operate. A unanimous vote by the ACC is required for approval/disapproval of a waiver. Request for a waiver does not relieve the homeowner of the requirement to first comply with these guidelines.

**2. Fence Policy:** (For additional information, see items 11,12 & 13)

No fence shall be erected or permitted to remain on any lot without the prior express approval and consent in writing of the Willow Oaks Architecture Control Committee (extract from Willow Oaks protective covenants and restrictions).

**Types:** Fence may be of the split rail type, split rail with wire, picket, privacy, shadow-box, open slat design, decorative, wrought iron, vinyl privacy or other types as approved by the ACC committee. Chain link fences will not be approved.

**Materials and fabrication specs:** All wooden fences are to be fabricated using pressure treated wood. Slats are to be between 5/8" and 3/4" thick. Posts are normally to be 4x4 for linear installation and standard gate openings and 6x6 in way of wide double gate openings. Fasteners that may be used include ceramic coated decking screws, stainless steel screws, heavy hot-dipped galvanized decking screws and heavy hot-dipped galvanized hold-fast nails. No electroplated or non-coated fasteners are to be used.

**Installation (new fence):** All fences must be built to professional standards and appearances. Fences may be installed in the back and side yards of a home. No fence will be permitted to be installed in the front yards. The maximum height of any fence is 6 feet above ground level. Before any post holes are dug, the location of the underground electrical and phone cables have to be verified. This can be done by calling "Miss Utility of Virginia" at phone number 811 or 1-800-552-7001. All fence posts shall be set in concrete to a minimum depth of 18 inches. The finished side of any fence shall face the neighboring yard or sidewalk unless ACC has approved an exception. Caps shall be installed on all fence posts to prevent grain-end rot. If fences are to be installed on the homeowner's property lines, then these lines will have to be verified by locating the iron posts indicated on the plat. Fences are to be installed with the finished side flush on the property lines. Decorative, wrought iron and vinyl fences are to be installed per manufactures instructions.

**Replacing an existing fence:** If an existing fence has to be replaced due to rot and deterioration, the replacement fence shall be installed in accordance with the guidelines and requirements previously listed. The existing fence posts, if found to be in good shape, may be reused. If the posts have not been set in concrete, then a hole should be dug around the posts and concrete poured into the hole.

**Fences installed along a sidewalk:** The finish side of the fence may be installed flush with homeowner's property line or 18 inches from the edge of the sidewalk, whatever dimension is greater. The grass between the outside of the fence and the curb shall be kept cut and edged along the sidewalk and curb.

**Vision clearance of corner lots:** On any corner lot there shall be no planting, structure, fences, shrubbery, or obstruction from vision more than three (3) feet higher than the curb level, within (20) feet of the intersection of any two (2) curb lines. (This is directly from Hampton Zoning, section 18-8, General Provisions). See also Item 15 of covenant.

**General:** If deemed necessary, ACC members may request permission to make an onsite visit before deciding whether or not to approve a fence. If the chairperson of the ACC feels that an inspection of the finished fence is warranted, this will be a stipulation in the approval process.

It is the owner's responsibility to obtain appropriate clearance (building permit, etc) from the City of Hampton (728-2444) before beginning a project. The ACC may, at its discretion, check with various agencies to determine if all the requirements have been met.

A majority vote by the ACC is required for approval/disapproval of a fence project. A Hampton building permit is required for all fence projects and also requires inspection after completion of the job.

Fences are to be kept in good shape. Replace any broken posts and warped slats. They may be painted or stained. If not, they should be occasionally be pressure washed.

### **3. Storage Facilities (Sheds) Policy:** (For additional information see items 11&13)

No Storage facility (shed) shall be erected or permitted to remain on any lot without the prior express approval and consent in writing of the Willow Oaks Architecture Control Committee (extract from Willow Oaks protective covenants and restrictions)

The protective covenants and restrictions for each section of Willow Oaks contain a paragraph entitled "Architectural Requirements and Architectural Control Committee (ACC). Homeowners should familiarize themselves with the provisions of this paragraph and follow the requirements when submitting a request for a shed.

Requests must include a plat showing the projected location and dimensions of the shed. It must also include a description of the framing, siding, and roofing that will be used, color scheme, type of foundation, and any other information that the requestor feels will assist the ACC.

#### **Guidelines:**

- No Steel, Rubbermaid, Polyethylene or concrete block sheds.
- (A-1)• Not to exceed 200 square feet
- No two story sheds; side/wall no taller than 7 feet.
- (A-5)• *Height not to exceed 9 feet at its highest point from graded ground level.*
- Must have shingles that match the house.
- Must blend in with the house and the community.
- Not be visible from the street if possible.
- All sheds must be built to code and professional standards.
- Conform to the architecture of the home, such as siding and paint consistent with the exterior of the home and a pitched roof
- Must conform to city requirements for placement and anchoring.
- One shed per residence.
- Exterior should be solid wood, vinyl, or other approved material

Building materials subject to faster than normal deterioration (such as fiber board, plywood, particle board, T1-11, composite imitation siding, or metal that rusts) will not be approved (A-6) *as a finished exterior but may be used if covered by an approved material.* All facilities must be on a stable foundation (concrete slab, cinder block, etc.). Replacement sheds require ACC approval.

**General:** If deemed necessary, ACC members may request permission to make an onsite visit before deciding whether or not to approve a shed. If the chairperson of the ACC feels that an inspection of the finished shed is warranted, this will be a stipulation in the approval process.

It is the owner's responsibility to obtain appropriate clearance ((A-2) zoning permit, etc) from the City of Hampton (728-2444) before beginning a project. (A-3) *The finished shed will require final zoning inspection to ensure it is properly anchored to the ground.* The ACC may, at its discretion, check with various agencies to determine if all the requirements have been met.

A majority vote by the ACC is required for approval/disapproval of a shed project.

- 4. Exterior Paint and Trim:** Changes to existing paint schemes require ACC approval. The rationale for this is to prevent unacceptable exterior paint schemes. Repainting exterior surface with existing color does not require ACC approval. Changes to exterior surfaces, e.g. replacement of aluminum siding with vinyl, requires ACC approval and a Hampton building permit. All work that requires building permits also require inspections after completion of the job.
- 5. Replacement Windows and Doors:** No ACC approval or city building permits required for this if the replacements are for the exact size. The sheet metal or vinyl wrap for replacement windows should match or blend with the color of the home.
- 6. Signs:** See item 13 of covenant. The only exception to this item is that a contractor, while doing work on a home or yard may display a sign in the front yard with his company name and phone number on it as an advertisement. The sign is to be removed when the job is finished.
- 7. Nuisances:** See item 9 of covenant
- 8. Garbage Containers:** See item 14 of covenant. They should be removed within 24 hours of pickup.
- 9. Hampton City Codes:** The ACC cannot waive Hampton City Code requirements. Therefore, you are responsible for ensuring your project meets city code requirements or for obtaining necessary waivers if it does not. However please keep in mind the ACC is the only waiver authority for items in the Willow Oaks Protective Covenants.
- 10. Satellite Dishes:** On August 5, 1996, the Commission adopted a new rule that is intended to eliminate unnecessary restrictions on antenna placement and use while minimizing any interference caused to local governments and associations. The new rule prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming.  
  
This rule means that, in most circumstances, viewers will be able to install, use and maintain an antenna on their property if they directly own the property on which the antenna will be located.
- 11. Easements:** An easement, as indicated on the homeowner's plat, is a right of way by which the city or a utility contractor uses to perform necessary work in our neighborhood. This sometimes narrow strip of property belongs to the homeowner. Per Hampton City codes compliance department, the homeowner may install a fence along his property line and disregard the easement line but if any work has to be done in this easement area, the fence will have to be removed at the homeowner's expense. If the homeowner installs a fence along the easement line, then the property between the fence and his true property line (outside of the fence) shall be maintained. A shed, being too large to move, shall be built outside of the easement line.
- 12. Electrical and Telephone Cable Boxes:** These boxes are normally located on the homeowner's property. Consideration must be given to these boxes when installing a new fence. The fence can be installed to enclose these boxes within your yard. If this is done, a section of fencing between two posts

should be fabricated for take down to gain good access to the boxes by using good quality hex head lag screws in lieu of slotted screws or nails. The other option is to install the fence skirted around the boxes so that they will be outside the fenced area.

**13. Plats:** For a new fence to be installed, the property marker rods have to be located. If the homeowner does not have a plat, maybe his neighbors on each side and behind him have plats that he can use. The city does not have any individual surveyor plats. The city building permit office can provide a GIS map which shows no dimensions or markers. The city clerk of the courts building has section plat books from which a copy can be made of your applicable sheet. These plat sheets are not as detailed as individual homeowner's surveyors plat but they do indicate the property marker symbols and dimensions the easements.

**14. Miscellaneous:** A request must also be submitted to the ACC for the following items for which no guidelines have been provided:

- (1) room additions
- (2) garage
- (3) children's playhouse (A-4) (*shed guidelines apply to this*)
- (4) new deck or patio
- (5) enclosing an existing deck or patio
- (6) stand alone dog pens

**Conclusion:** Maintaining the appearance of Willow Oaks is a cooperative effort. We rely upon each other to help insure the provisions and intent of the covenants are observed. If you have any questions about the covenants, these guidelines or concerns, please call one of the members of the ACC.

The value of our community lies in the care and upkeep of our well-established homes. We all need to be contentious of the condition of our homes and property. Please remember that the only drawback to living in an open and tight-knit community like ours is having to share other people's messes. We all need to take a look at our fences, gates, landscaping and any accumulated materials around our houses that may need to be attended to.

We all need to work diligently together to help maintain the appearance of Willow Oaks. Together we can help each other to keep our community an attractive and desirable place to live while maintaining the value of the investment we have in our homes.

**15. The following is a list of Hampton zoning rules that pertain to our neighborhood and is added for your general information.** If any homeowner has a complaint, call the city at phone number 311 to report it.

**Sec. 5-8. Allowing animal to go on land of another and damage property.**

- (a) No person shall suffer or permit any animal belonging to him or under his control to go upon the land of another person and damage or destroy any garden, shrubs, grass or other property thereon.
- (b) Any person owning property which is damaged or destroyed by any violation of this section may enter his complaint, by a warrant issued against the owner or custodian of the animal involved, and the complaint shall be heard by the court as all other complaints under criminal warrants are heard.

**Sec. 5-8.1. Removal of dog excrement required; exceptions.**

It shall be unlawful for any person owning, keeping or having custody or control of a dog to fail to remove immediately the dog's excrement from any public or private property other than property

owned or occupied by the person owning, keeping or having custody or control of said dog. Any person who shall violate this section shall be guilty of a Class 4 misdemeanor, The provisions of this section shall not apply to a service dog or to dogs used by police officers for law enforcement or tracking purposes.

**Sec. 5-9. Noisy animals or birds**

Any person who shall own, allow, permit, keep or harbor, on or about any premises, any animals or birds which, by causing frequent or long-continued noises, seriously disturb the reasonable enjoyment, sleep, rest and comfort of persons of normal nervous sensibilities and ordinary tastes, habits and modes of living, shall be guilty of causing or permitting a public nuisance. A conviction for a violation of this section shall result in a fine of not more than fifty dollars (\$50.00); provided, however, that a second conviction involving the same animal or bird shall result in a fine of not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00).

**Sec. 24-27. Accumulations of refuse or weeds near residential or commercial structures**

(a) It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land to permit the accumulation, on such land, of garbage, trash, rubbish, debris, litter, or other refuse. It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land, to permit the accumulation, on such land, of weeds or underbrush, cut or uncut, within one hundred fifty (150) feet of any residential or commercial structure, or any structure designed for use in connection therewith.

**Sec. 24-39. Open storage of inoperable vehicles on property zoned for residential purposes.**

- (a) For purposes of this section, the term "shielded or screened from view" means completely precluding visibility of the subject vehicle by someone standing at ground level from outside of the property on which the vehicle is located by placing the vehicle within an area completely enclosed by any combination of the following: (1) a solid, rigid, six-foot opaque fence composed of standard fencing materials; and/or (2) a landscape arrangement of non-deciduous trees or shrubs, sufficient in height, spacing, density and circumference; and/or (3) a permanent structure. As used in this section, the term "person" shall be defined as any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.
- (b) It shall be unlawful for any person to keep, or allow to be kept, on any property in the city zoned for residential purposes, any motor vehicle, trailer, or semi trailer, as defined in section 46.2-100 of the Code of Virginia, as amended, which is inoperable, unless the same is kept within a fully enclosed building or structure or is otherwise shielded or screened from view. The placing, draping or securing of a tarpaulin or other no-rigid cover over and around an inoperable vehicle shall not be sufficient to comply with the requirements of this section. It shall be unlawful for any person to keep more than (2) inoperable motor vehicles, which have been shielded or screened as described above, outside of a fully enclosed building or structure.
- (c) For the purposes of this section, an "inoperable motor vehicle" shall mean:
- (1) Any motor vehicle which is not in operating condition; or
  - (2) Any motor vehicle which, for a period of sixty (60) consecutive days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle or on which both the valid license plates and the valid inspection sticker are not present.

Notice shall be given to the property owner once a vehicle, as described in subsection (b) above is discovered.

- (d) The owner of any property shall remove therefrom any inoperable motor vehicle, trailer or semi-trailer located thereon in violation of this section. The city, through its own agents or employees may remove any such vehicle whenever the owner of the property, after a ten-day notice, has failed to do so. In the event the city so removes any such vehicle, after having given such reasonable notice, the city may dispose of such vehicle after giving additional notice to the owner of the vehicle.

### **Sec. 18-3. Major recreational equipment, parking and storage requirements**

The parking or storage of major recreational equipment including, but not limited to, travel trailers, utility trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, amphibious houseboats, or similar equipment normally used for recreational purposes shall be permitted as an accessory use in all residential districts, subject, however, to the following regulations and requirements.

- (1) Such major recreational equipment shall not exceed twenty-eight (28) feet in length, eight (8) feet in width, and ten (10) feet in height, exclusive of masts, antennas, vent stacks, windshields, or other accessories.
- (2) Such major recreational equipment shall not be used for living, sleeping, housekeeping, or business purposes, nor shall such major recreational equipment be connected to any utility service, except for temporary periods solely for replenishing supplies, or for the servicing or repair of equipment.
- (3) Such major recreational equipment shall not be parked or stored in a manner which infringes upon the setback requirements for accessory buildings in the residential district in which the lot is located.
- (4) Such major recreational equipment shall not be parked or stored in the front yard in any residential district, except that:
  - (a) Such major recreational equipment may be parked in such front yard for a period not to exceed forty-eight (48) hours, for the sole purpose of loading or unloading;
  - (b) In the event such major recreational equipment cannot physically be placed within an enclosed garage, or cannot physically be placed in the side or rear yard of a residence without encroaching upon the lands of another, without violating the setback requirements for accessory buildings in the residential district, or without damage to structures or trees, then one (1) such major recreational equipment or a combination thereof designed to be used and operated as one (1) unit, may be parked or stored on an improved driveway at a point furthest from the public street right-of-way, not resulting in physical damage to structures or trees;
  - (c) A camper or coach, when loaded upon and entirely supported by, or when structurally a part of, a pickup truck or motor vehicle not exceeding the rated weight of three-fourths (3/4) ton which is in operative condition, shall be deemed a part of the motor vehicle and not major recreational equipment, so long as such camper or coach is entirely supported by, or remains structurally a part of, such pickup truck or motor vehicle.

### **Sec. 18-4. Commercial vehicle parking in residential districts;**

- (1) The parking of commercial vehicles on a lot or any adjacent street in any residential district is prohibited, except under the following provisions:
  - (a) One (1) commercial vehicle, not exceeding a height of six (6) feet, four (4) inches, nor a measurement, from the center of the front axle to the center of the rear axle of that vehicle or

any attached equipment of eleven (11) feet, six (6) inches, may be parked on a residential lot or adjacent street, provided said lot is occupied by the person responsible for operating the vehicle.

- (b) One (1) commercial vehicle, not exceeding a height of six (6) feet, four (4) inches, with a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, between (11) feet, six (6) inches and fifteen (15) feet, seven (7) inches, may be parked on a residential lot, provided it is kept in a garage or behind the rear most portion of the building on the lot, and further provided said lot is occupied by the person responsible for operating the vehicle.
- (c) In no case shall a commercial vehicle with a height exceeding six (6) feet, four (4) inches or measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, exceeding fifteen (15) feet, seven (7) inches be permitted to park in any residential property or adjacent street.
- (d) In no case shall more than one (1) commercial vehicle be parked on any residential lot or adjacent street, except that one (1) specifically exempted commercial vehicle may also be parked on the same lot or adjacent street.

**Definition of a Commercial Vehicle, section 2.1-41:**

- (a) Any vehicle used in the conduct of a business with such identification thereon
- (b) Any vehicle registered as a commercial vehicle, such as step vans, tow trucks, pickups, etc.
- (c) Any vehicle, regardless of use, identification or registration, with a registered gross weight of 12,000 pounds or more.

**(A-7) Sec. 34-6 Sidewalks**

*It shall be unlawful for any person to obstruct any sidewalk with boxes, barrels, kegs, crates, merchandise or in any other manner. After unloading or unpacking wares, foods, goods or merchandise on the sidewalks of the city, two (2) hours shall be allowed every person in which to remove the crates, boxes, rubbish and other material from the sidewalk. This also applies to residents with a short driveway who park their vehicle in their driveway and the vehicle blocks the sidewalk.*

| REVISIONS |   |           |
|-----------|---|-----------|
| REV       | Description   | Date      |
|           | Initial Issue   | Feb. 2011 |
| A         | 1. Was 150 square feet<br>2. Was building permit<br>3. Sentence added<br>4. Added<br><i>All the above to suit international building code – 2009 adopted by city of hampton on March 1, 2012.</i> | Oct. 2012 |
|           | 5. Added<br>6. Added to end of existing sentence<br><i>These items are from the ACC Guidelines dated April 15, 2002.</i>  |           |
|           | 7. Added<br><i>For residents information.</i>   |           |