

CLOVERDALE HEIGHTS HOMEOWNERS ASSOCIATION, INCORPORATED

Post Office Box 1201, Charles Town, West Virginia 25414

ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS

I. INTRODUCTION

The Cloverdale Heights Homeowners Association, Incorporated Executive Board of Directors and the Cloverdale Architectural Review Committee (ARC), are pleased to present the ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS. These guidelines give homeowners a consistent standard to follow as the foundation in planning all exterior modifications to their property.

Cloverdale homeowners enjoy increasing property values and our attractive community being in part of the guidelines and the positive actions undertaken by the ARC. All exterior improvements and modifications, such as the addition of a new fence or outbuilding, or a change in the existing roof or siding color must be approved by the ARC before work can begin. The ARC, composed of volunteer neighbors, strives to ensure that our Cloverdale Declaration of Covenants, Conditions and Restrictions (our covenants) and ARC Guidelines are followed and that homes meet our community standards of appearance and maintenance.

We hope that this document will continue to maintain a community that will allow freedom for individual tastes, while supporting the overall visual tone of a prospering, supportive, and welcoming neighborhood.

Please read and follow these guidelines. Written approval from the ARC, including appropriate permits from Jefferson County Office of Building Permits & Inspections, is required prior to the start of any exterior modifications. Do not commit to labor or materials until you have the proper approvals.

Retain this copy of ARC Guidelines as part of your permanent homeowner paperwork to refer to now and in the future. These guidelines, as well as other Cloverdale governing documents, should be made available to future buyers of your home. Additional copies are available on the Cloverdale website, <http://cloverdaleheights.org>.

You may direct any questions regarding these guidelines to the ARC Chairperson or Cloverdale Board of Directors. Contact information may be found on the Cloverdale website and bulletin board.

The Cloverdale Board of Directors reserves the right to modify or amend these guidelines periodically as it deems desirable or necessary.

I love the ARC! How can I volunteer my time to keep it awesome?

I hate the ARC! How can I volunteer my time to make it better?

The ARC can always use new volunteers. For more information, come to the Cloverdale Board of Directors meetings (check bulletin board or website for schedule), or you may contact the current ARC Chairperson.

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II. DEFINITIONS

- A. Addition – anything attached to the dwelling that increases the overall or total dimensions of the dwelling.
- B. ARC – Cloverdale Heights Architectural Review Committee.
- C. Bylaws – Bylaws of Cloverdale Heights Homeowners’ Association, Inc.
- D. DCCR – Declaration of Covenants, Conditions and Restrictions for Cloverdale Heights.
- E. Dwelling – the house itself (includes attachments).
- F. Executive Board – the Cloverdale Heights Homeowners Association, Inc. Corporate Board of Directors. Refer to Bylaws, Article II.
- G. Exterior – external surfaces of the dwelling, to include addition(s) and outbuilding(s).
- H. Flag and Flagpole – A flag is a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities. A flagpole is a pole or staff on which a flag is hoisted and displayed.
- I. HOA - Cloverdale Heights Homeowners Association, Inc. Refer to DCCR, Article I, Section 1.3.
- J. Improvement – Any construction, structure, fixture or facilities of any kind of either a temporary or permanent nature, constructed above, at or below ground level, including, but not limited to, a dwelling, garage, carport, outbuilding, patio, terrace, deck walk, tennis court, swimming pool, fence, wall, or driveway.
- K. Modification – a change to existing or proposed design.
- L. Outbuilding – any enclosed structure, used for residential storage purposes, constructed, or placed upon the lot not attached to the dwelling. Outbuildings must not be used for residential living, as detached garage or for the storage of registered motor vehicles.
- M. Permanent – lasting or intended to last indefinitely.
- N. Property – the land, the lot.
- O. PZ&E – Jefferson County Planning Zoning & Engineering Department.
- P. Repair – maintaining existing property, dwelling, addition(s), and outbuilding(s).
- Q. Setback – respected mandatory space on all sides of the established lot line(s).
- R. Solar Energy System – a system affixed to a building or buildings that uses solar devices, which are thermally isolated from living space or any other area where the energy is used, to provide for the collection, storage, or distribution of solar energy.
- S. Temporary – intended to last for a short time.
- T. Temporary Storage Unit - any storage unit that meets the definition of (P) Temporary and does not meet the definition of (I) Outbuilding. Temporary Storage Units may include but

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are not limited to Portables on Demand (PODS), Smart Boxes, U-Pack, U-Load, moving trailers, or any similar unit.

- U. Trellis/Arbor – a single, stand-alone-frame of open latticework used as a screen or as a support for climbing shrubs or vines, not exceeding eight feet in height or eight feet in width.
- V. Wading Pool – a portable play-yard pool holding less than 500 gallons of water and occupying an area of less than 75 square feet and will be stored invisibly when not in season or not in use.

III. REQUIREMENT

All new construction and exterior modifications to a home or lot, excluding landscaping (see Section XVI), must first be reviewed and approved in writing by the Architectural Review Committee (ARC).

IV. STANDARDS

Houses in Cloverdale Heights must reflect designs that are cohesive, consistent, and properly proportioned in keeping with existing architectural styles. Architectural elements taken from several different styles may not necessarily be appropriate when incorporated into the same house. Modifications must be harmonious in color, form and proportions to the existing surroundings. The ARC evaluates proposed house constructions and/or modifications with this in mind. The ARC must also consider the opinions of homeowners immediately adjacent to the applicant's property if proposed modifications/improvements warrant it.

V. TIMELINE SCHEDULE

To facilitate the approval process, and to provide a thorough and timely response to requests for architectural improvements, home owners are urged to submit in writing items for review a minimum of thirty (30) days prior to expected commencement of work and at least ten (10) days prior to a regularly scheduled HOA Executive Board meeting. An ARC reply will be given within thirty (30) days of receipt of proposal. Approved projects must be completed within six (6) months from date of approval.

VI. APPROVAL

ARC approval only applies to permission to construct or modify structures in Cloverdale Heights. The property owner is responsible for additional compliance with all federal, state and/or local code, any required permits, construction, maintenance, and insurances.

VII. DISAPPROVAL

Applicants are encouraged to work with the ARC to resolve any objections to a submission. If there is failure to resolve the objection, the applicant may appeal the decision of the ARC by filing a written notice of appeal with the HOA Executive Board within ten (10) days of

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the rejection issuance. A hearing will be scheduled within thirty (30) days of the board's receipt of an appeal hearing request.

VIII. DEVIATIONS

Any deviation from approved plans, or schedules, must be re-submitted to the ARC for approval. Refer to DCCR Article X, Section 10.1.

IX. NON-COMPLIANCE

- A. Failure to obtain the necessary prior approvals or non-conformance to the approved plans or schedule constitutes a violation of the Bylaws and/or DCCR and may require modification or removal of unauthorized work at the expense of the homeowner.
- B. An owner who does not obtain the required written authorization prior to the start of a project will be issued a stop work order to remain in effect until the matter is resolved and a hearing is scheduled as outlined in the DCCR Article XXII, Section 22.2.
- C. The procedures for a non-conforming owner are as follows:
 - 1. Notified in writing with a stop work order by ARC within five (5) business days of the observation of the violation.
 - 2. A hearing is scheduled and convened within thirty (30) business days of receipt of the notification as per DCCR Article XXII, Section 22.2.
 - 3. When necessary, as per Bylaws Article V, Section 5.2, the Executive Board may issue fines. Fines are due and payable upon notification. Late payment schedules will be applied as appropriate. As outlined in DCCR, Article XXVII, Section 17.2(f), fines are enforceable as Common Expense Assessments.
 - 4. Non-payment will result in Notice and Hearing as specified by DCCR Article XXII, Section 22.2.

X. ADDITIONS

- A. Additions include home additions and attached carports and garages. Additions must remain permanent as part of the dwelling.
- B. Additions must be approved prior to construction.
- C. A design of the addition must be compatible in scale, mass, roof pitch, character, and color with the original dwelling. Additions, carports and garages must be constructed of the same building materials as the dwelling. Additions, carports and garages may not be constructed using steel frames or building members.
- D. The extreme outsides of the dwelling including addition, carport and garage must be compliant with the DCCR Article X, Section 10.1(18), and the current Jefferson County ordinance.
- E. Changes in grade or drainage resulting from the addition must not affect adjacent property and should be shown on the site plan.
- F. Application to the ARC must include:

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1. A complete description of proposed addition.
2. A detailed sketch or copy of the record plat, showing the location of the proposed addition, the existing house and the setbacks from all property lines.
3. Detailed construction elevation drawings for front and side views.
4. Photograph(s) of the existing house and site conditions before the proposed change(s).

XI. OUTBUILDINGS

- A. All outbuildings must be approved prior to construction.
- B. The design of the outbuilding must be compatible with the design of the dwelling and match the existing color scheme of the dwelling.
- C. No more than two (2) outbuildings permitted on any one lot.
- D. Size:
 1. Cannot exceed 40% of the dwelling footprint.
 2. Cannot exceed 80% of the dwelling height.
 3. Roof pitch must reflect the roof pitch of the dwelling.
- E. Placement of all outbuildings must be within and not exceed the rear building line of the dwelling.
- F. Exterior material of all outbuildings must be of the same as the dominant material of the dwelling exterior. Except a brick or stone dwelling, may have siding to match the dwelling trim color.
- G. Any empty space beneath the outbuilding must be skirted.
- H. Changes in grade or drainage resulting from the outbuilding must not affect adjacent property and must be shown on the site plan.
- I. Setback requirements must be compliant with the DCCR Article XXII, Section 10.1(18), and the current Jefferson County ordinance.
- J. The homeowner must include the footprint (outside dimensions) and height of their dwelling to ensure the proposed outbuilding meets the size restrictions outlined in this document.
- K. Application to the ARC must include:
 1. A complete description of proposed outbuilding.
 2. A detailed sketch or copy of the record plat, showing the location of the proposed outbuilding, existing dwelling, and the setbacks from all property lines. Outside dimensions and height of existing dwelling must be included.
 3. Detailed construction elevation drawings for front and side views of the outbuilding.

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XII. DRIVEWAYS, PARKING PADS, AND SIDEWALKS

- A. All driveways, parking pads, and sidewalks must be approved prior to construction. No request for approval is needed to resurface or replace an existing driveway, parking pad or sidewalk.
- B. Adding or improving may be done only where it and its use will not affect adjacent property, natural areas or drainage. Driveways are not subject to the twelve (12) foot setback requirement. The ARC will consult the Executive Board for setbacks of less than three (3) feet.
- C. Enlarging and adding must be done with the same material.
- D. Application to the ARC must include:
 - 1. A complete description of proposed work.
 - 2. A detailed sketch, or copy of the record plat, showing the location of the existing dwelling and driveway and the proposed changes showing the dimensions and distances from property lines.
 - 3. A grading plan if the existing grading is changed.

XIII. FENCES

- A. All fences must be approved prior to construction.
- B. The fencing section covered in the DCCR Article X, Section 10.1(17), relates to fencing in the property. No fence is permitted except those constructed of board, stone, hedge, wooden picket, or split rail, provided however, no solid fence design which may obstruct views or significantly impact on line of sight by neighbors or traffic must be approved.
- C. Perimeter fences must be located along the back-property line, along the side property lines to points not to exceed the rear building line, and across the lot from said points to the rear corners of the dwelling. The perimeter fence must not exceed four (4) feet in height.
- D. Landscape fences must conform to the aforementioned fencing guidelines with the following exceptions:
 - 1. Landscape fences are one section of fence (maximum of eight (8) feet in length) or two sections forming a corner (maximum of eight (8) feet in each direction) may be located at the rear of the building line without having to conform to the property line requirements.
 - 2. Landscape fences must not exceed four (4) feet in height.
- E. Privacy fences are permitted around the perimeter of swimming pools and tennis courts.
 - 1. The maximum perimeter distance of the privacy fence from the edge of the pool or court is twenty (20) feet.
 - 2. Privacy fences of any style or name must not exceed six (6) feet in height.
- F. All fences must remain in good repair. Damaged, deteriorated, or missing fence components must be repaired or replaced.

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- G. The owner must keep the lawn trimmed on both sides of all fences and fence posts, except for fences on a property line coinciding with the perimeter boundary line of Cloverdale Heights.

XIV. PAINTING, STAINING, EXTERIOR COLOR CHANGES

- A. All painting, staining, exterior color changes must be approved prior to commencement.
- B. All exterior color (or material) changes on a dwelling or other previously approved structure must be submitted in writing to the ARC for approval. Generally, the ARC is agreeable to colors that create a subtle, traditional effect that is harmonious and complementary to the surrounding homes in the community.
- C. No request for approval is needed to re-paint any exterior with existing colors. When the dwelling is painted or stained, or re-painted or re-stained, the outbuilding must also be painted or stained in the same color as the dwelling.
- D. Application to the ARC must include:
 - 1. Complete description of proposed work.
 - 2. Sample of proposed new colors and existing paint colors to be retained.
 - 3. An illustration showing all surfaces to be painted or stained.

XV. SWIMMING POOLS AND HOT TUBS

- A. All swimming pools and hot tubs must be approved prior to construction.
- B. This section applies to both in-ground and above-ground swimming pools and all exterior hot tubs. Wading pools are excluded.
- C. Swimming pools may be only located to the rear building line of the dwelling.
- D. Mechanical/electrical components must be enclosed or hidden from view.
- E. Placement of swimming pools must not alter natural drainage.
- F. Application to ARC must include:
 - 1. Complete description of proposed work.
 - 2. Site drawing/plan showing the location of the proposed swimming pool or hot tub, pool equipment, decking, fencing, other lot improvements, and property lines.

XVI. LANDSCAPING

- A. General landscaping includes ground level modification such as shrubbery or flower beds, bushes, and trees. Landscaping may also include raised shrubbery or flower beds. General landscaping such as this does not require ARC approval.
- B. Landscaping may include one trellis or arbor with either the height or width not exceeding eight (8) feet. Setback requirements for a trellis or arbor must satisfy the DCCR Article X, Section 10.1(18), and the current Jefferson County ordinance. Any landscaping exceeding this description must be submitted to the ARC for approval.

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XVII. FLAGS AND FLAGPOLES

- A. Flags must not exceed 24 square feet, e.g. 4 feet x 6 feet.
- B. Flagpoles must not exceed 20 feet in height.
- C. All installations must be compliant to county guidelines and permitting.
- D. Display and care of the American Flag is pursuant to United States Flag Code.
- E. ARC approval for flag poles less than 10 feet is not required.
- F. Application to the ARC must include:
 - 1. Complete description of proposed work including method of installation.
 - 2. A detailed sketch, or copy of the record plat, showing the location of the existing dwelling and the proposed location of flagpole.
 - 3. A grading plan if the existing grading is changed.

XVIII. PROPANE TANKS

- A. All propane tanks filled by bulk truck delivery must have ARC approval prior to installation.
- B. This section applies to both above ground and below ground stationary propane tanks by bulk truck delivery. Portable propane tanks are permitted without application.
- C. All above ground and below ground propane tanks must meet or exceed to the DCCR Article X, Section 10.1(18) set back requirements.
- D. ABOVE GROUND Propane Tank(s):
 - 1. Must not be placed in front of dwelling.
 - 2. Must not be placed under or upon deck or porch.
 - 3. Tank capacity of 125 gallons or less must be located:
 - a. At least five (5) feet from door, window, crawlspace door or foundation vent.
 - b. At least ten (10) feet from source of ignition including outdoor AC unit or intake of a direct vent appliance such as fireplace or stove.
 - 4. Tank capacity of from 125 gallons to 500 gallons must be located:
 - a. At least ten (10) feet from door, window, crawlspace door or foundation vent.
 - b. At least ten (10) feet from source of ignition including outdoor AC unit or intake of a direct vent appliance such as fireplace or stove.
 - 5. Tank capacity must not exceed 500 gallons.
- E. BELOW GROUND Propane Tank(s):
 - 1. May be located in the front, side or rear of dwelling.
 - 2. Tank capacity of 1000 gallons or less must be located:
 - a. At least ten (10) feet from dwelling.
 - b. At least ten (10) feet from door, window, crawlspace door or foundation vent.
 - c. At least ten (10) feet from source of ignition including outdoor AC unit or intake of a direct vent appliance such as fireplace or stove.
 - 3. Tank capacity must not exceed 1000 gallons.
- F. For clarification of propane safety regulations, refer to National Fire Protection Association (NFPA) Pamphlet 58, Storage and Handling of Liquefied Petroleum Gases and/or your propane dealer.
- G. Application to ARC must include:

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1. Complete description of proposed work.
2. Site drawing/plat showing the existing structure(s) and the location of proposed propane tank with aforementioned distances labeled.

XIX. SOLAR ENERGY SYSTEMS

- A. All solar energy systems must have ARC approval prior to installation.
- B. No unreasonable restrictions are imposed that prohibit the installation of solar energy systems.
- C. All solar panels and solar energy systems must be attached to the roof of your home. Free-standing ground (pole) mounted panels and/or systems are not permitted.
- D. Solar panels under one (1) square foot (such as those used with cameras and spotlights) are permitted without application.
- E. Solar energy systems must meet applicable health and safety standards and requirements imposed by state and county permitting authorities.
- F. Solar energy systems must meet all applicable safety and performance standards established by the Institute of Electrical and Electronic Engineers and accredited testing laboratories such as Underwriters Laboratories.
- G. All wiring, connections and junction boxes must not be visible.
- H. With or without solar energy systems, maintenance, repair and/or replacement of roof or other building components must be completed as needed.
- I. Application to ARC must include:
 1. Complete description of proposed work.
 2. Site drawing/plat showing the existing structure(s) and the location of proposed solar panels or solar energy system.

XX. TEMPORARY STORAGE UNITS

- A. All temporary storage units must be approved prior to installation
- B. Permitted on a temporary only basis, may include, but are not limited to: Portables on Demand (PODS), Smart Boxes, U-Pack, U-Load, moving trailers, or any similar temporary storage unit. Expressly used for a lot owner actively involved in relocating items to and from their home and/or during renovation and/or maintenance.
- C. Temporary storage units must not exceed:
 1. Thirty days, two units, upon one lot, at one time, within any consecutive twelve-month period.
 2. 12' long x 7' wide x 7' high.
- D. Temporary storage units must be located in the driveway and must not:
 1. Alter the natural drainage or drainage easement.
 2. Damage property or roads.
 3. Obstruct sightlines for vehicles.
 4. Be placed on roads, right-of-way, or any common area.

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- E. Temporary storage unit must not be used for:
 - 1. Animals & people.
 - 2. Combustible or hazardous materials.
 - 3. Food.
- F. Application to the ARC must include:
 - 1. Complete description of the temporary storage unit.
 - 2. Timeline must include anticipated placement & removal date.
 - 3. Agreement of lot owner to be fully responsible for all resulting damage within 30 (thirty) days after removal of the temporary storage unit.
 - 4. Photograph(s) of the site conditions including road, driveway, and surrounding area prior to placement of temporary storage unit.

CERTIFIED TO BE POLICY

DULY ADOPTED BY THE EXECUTIVE BOARD OF CLOVERDALE HEIGHTS

No provision contained in this Policy Statement for Construction and Improvements of Property in Cloverdale Heights may be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches that may occur.

Architectural Design Guidelines and Standards stated herein, supersedes all rules, regulations, or policies approved previously by any Cloverdale Heights Homeowners Association Board of Directors concerning the matter and content of this statement. Such previously approved ARC rules, regulations, or policies are hereby null and void.

All approved existing homeowner installations are grandfathered prior to these Guidelines & Standards and subsequent amendments.

Approved August 12, 2002

Amended December 19, 2004

Federal Law July 24, 2006 – American Flag Act of 2005

Amended March 13, 2006

State Law November 6, 2012– Solar Installation(s)

Amended July 14, 2020 – Temporary Storage, Propane Tanks, Flagpoles, Solar

2020-2021 President [signed – /s/ Ruth Zebell] **September 1, 2020**
First - Last

NOTE – Architectural Design Guidelines and Standards are provided to all members of the Cloverdale Heights Homeowners Association; Inc. Copies can be requested at no charge by contacting the HOA Executive Board and/or printed from Cloverdale's website at: cloverdaleheights.org