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Townes of Moorefield Community  
Association (TOMCA) Guidelines for the  
Architectural Review Committee (ARC)

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August 1, 2023

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**INTRODUCTION**

The ARC is charged in the Declaration of Covenants, Conditions and Restrictions [hereinafter the “Declaration”] with the duty of preserving the aesthetic qualities and harmony of the community. [Declaration, Article VI] These Guidelines define the general area and nature of the ARC’s responsibility.

All of the standards prescribed in the Declaration and in these Guidelines are adopted for the purpose of (i) maintaining architectural harmony and quality, (ii) preserving a safe, healthy environment, and (iii) maintaining and/or enhancing property values. Where guidelines have their origin in either the Declaration or in the Vienna Town Code, the relevant sections of these documents have been noted.

It is important to note these Guidelines apply to **all** occupants of the Townes of Moorefield, including renters. The property owner will make a copy of these Guidelines and the Declaration of Covenants, Conditions and Restrictions available to all renters.

## **1. Background Information**

### **1.1. Approvals of exterior changes**

Each project by a homeowner to the exterior of their property must be specifically approved by the ARC. ARC approval is not required for normal upkeep and maintenance consistent with approved designs and/or colors. Any homeowner undertaking an exterior project without ARC approval will bear full financial responsibility for any subsequent ARC requested changes to that project to include restoration of the property to the condition prior to the project being undertaken.

### **1.2. Town of Vienna and Fairfax County Permits**

Approval of a project by the ARC does not waive the necessity of obtaining any Town of Vienna or Fairfax County building permits, as appropriate to the project. Neither does obtaining a permit waive the need for approval by the ARC. The ARC will not knowingly approve a project that is in violation of the Town or County zoning/building codes.

### **1.3. Questions to the ARC**

These Guidelines are not intended to be all-encompassing. Questions regarding interpretation of the Guidelines should be directed to the ARC and the Board. Homeowner requests for exterior changes that are not addressed in these Guidelines should be directed to the ARC and the Board.

## **2. Application Procedures for Making Architectural Changes**

### **2.1. Application by ARC Form**

Applications must be submitted using the *TOMCA Application Form for Architectural Changes*. [See Appendix I for an example of this form.] Contact the Property Manager or refer to the Association website ([www.townesofmoorefield.com](http://www.townesofmoorefield.com)) for the current Application form.

### **2.2. Send ARC Application to the Property Management Company**

The application must then be sent to the Property Manager. Information on where to send the form is listed on the Application Form itself. The Property Manager will confirm receipt, review the application for completeness, and pass it to the ARC for decision. The Property Manager will communicate the ARC's decision to the homeowner within 30 days.

### **2.3. ARC Application must include**

Homeowners must include a complete description of the project sufficient for the ARC to thoroughly understand the proposed changes/improvement(s). Specific data should include, as appropriate, height, width, length, size, shape, color, and location of the proposed project. Photographs or sketches of similar completed projects would aid in the ARC's consideration. The application must include proposed construction materials (including manufacturer and samples) and proposed colors and finishes (including manufacturer and samples). If the improvement involves construction, the application must be accompanied by a color rendering of the plan and/or architectural drawings to scale, noting dimensions where applicable.

#### **2.4. ARC Application for Color**

TOMCA's initial color schemes were established by the original builder to foster a sense of harmony. Due to the ever-changing pallet of colors available in the market, any proposed changes in colors of siding, shutters, trim, or roof-shingles should be submitted to the ARC for review. Color chips must accompany the application.

#### **2.5. Drainage approvals**

If the alteration affects an existing drainage pattern, the proposed drainage pattern must be included in the application. The effect on neighboring properties must be taken into consideration. This principle may also apply to other changes being proposed.

#### **2.6. ARC Application must be in writing**

The ARC will consider only written requests as outlined in these Guidelines. Oral requests will not be considered. The Property Manager will confirm receipt of the written request. The ARC will answer a request as promptly as possible. If the ARC fails to make a decision, either with approval, disapproval or request for additional information, within thirty (30) days of the postmark or delivery to the Property Management Company, the request is considered to have been approved. The timeline may be extended as needed to clarify the request or to request and receive additional documentation.

#### **2.7. Changes to the Approved Application**

ARC approval applies only to the plans and requests as submitted. If the homeowner changes the plans, a new ARC application must be submitted for approval.

#### **2.8. Expiration of Approved Applications**

Homeowner has one year from the date of approval to complete the work.

#### **2.9. If a request is rejected**

If a proposal is rejected by the ARC, the ARC is obligated to state the reason(s) for rejection. The applicant is free to resubmit the proposal to the ARC, presenting new or additional information that might clarify the request or show its acceptability.

#### **2.10. Board of Directors will make the final determination**

A rejection may be appealed to the TOMCA Board of Directors in writing. The decision of the Board will be final and binding.

### **3. Annual Inspections**

The Board will conduct Annual Inspections according to the following process:

- 1) The Property Management company will inspect the property
- 2) The Board will review and decide on which issue(s) will receive a letter of notification of needed repair and maintenance.
- 3) Letters of Notification of Needed Repair and Maintenance will be sent to owners detailing the problem(s) and a deadline for the solution. Homeowners are invited to

communicate with the Property Management Company on any progress, challenges, or hinderances to completing the requested work at any time.

- 4) Properties are inspected again after deadlines.
- 5) Homes that have not been repaired will receive a written reminder that work has not been completed and requesting homeowners contact the property management company with an update. If no update is provided within 30 days, the Board may vote to impose financial penalties on the homeowner.
- 6) Owners will be notified of any additional legal actions planned by the Board in writing via certified mail.

## **ARCHITECTURAL CONTROL STANDARDS AND GUIDELINES**

### **4. Responsibilities of Occupants (Homeowners and Renters)**

#### **4.1. Observe the Fairfax County and Town of Vienna Codes and TOMCA Bylaws.**

It is the responsibility of occupants (homeowners and renters) to observe the Fairfax County and the Town of Vienna Codes, as well as the governing documents of the association by complying with the following guidelines and prohibitions. Homeowners may notify the Property Management Company of violations to the Guidelines. Cooperation in adhering to these Guidelines is essential, not only to maintain the overall appearance and well-being of the community, but also to maintain property values.

#### **4.2. Properly maintain the property**

It is the responsibility of homeowners and renters to properly maintain the exterior portions of the house and lot, to include wood, brick, stone, fences, shrubbery, lawns, walkways, parking pads, etc., as follows. "In the event that the need for exterior maintenance or repair of any unit is necessary, at its option and sole discretion the Association may perform the maintenance or repair and the cost of such maintenance or repairs shall be added to and become a part of the assessment to which such lot is subject." (Declaration, Article VII)

##### **4.2.1. General exterior appearance**

will be maintained in good repair (e.g., trim, shutters, windows, gutters, downspouts, garage doors, roof shingles).

##### **4.2.2. Advertising**

**4.2.2.1.** No form of advertising will be permitted on common areas unless authorized by the ARC.

**4.2.2.2.** "For Sale" realty signs are permitted on common areas only during the actual hours that an "open house" is being conducted. "For Sale" realty signs may remain on a Lot as long as the house is up for sale.

##### **4.2.3. Antennas**

Any exterior radio or television antennas (including ham radio antennas) erected on any lot shall have been first approved by the ARC. See also Section 5.16 on Satellite dishes/antennas.

#### **4.2.4. Barbecues and grills**

Cooking appliances are to be stored only in rear yards, on decks, or in garages, and used only in accordance with Fairfax County and Town of Vienna codes. Grills also may be used in the front of units, but not stored there.

#### **4.2.5. Clotheslines and clothes-hanging devices**

No permanent clothesline or clothes-hanging device shall be installed on any lot. Temporary devices to dry items may be placed within the enclosing property fence for up to 8 hours as long as these do not exceed 72 inches in height.

#### **4.2.6. Common Areas**

**4.2.6.1.** Residents may neither plant nor cut down trees that are outside their individual Lot, without the approval of the Board of Directors.

**4.2.6.2.** Personal Items are not to be left in common areas.

**4.2.6.3.** Homeowners or Renters who have suggestions, wishes, or concerns about the cutting down or the planting of trees, bushes, groundcover, or flower beds in any common areas of the Community, may notify the board in writing by mail, email, or by attending one of the monthly board meetings and voicing the concern or suggestion.

#### **4.2.7. Damage to Common Areas and/or neighboring properties**

Homeowners or Renters are fully responsible for any damage to the common area or neighboring property caused by themselves, family, guests, and private individuals or contractors in their hire.

#### **4.2.8. Debris**

Properties will be kept free of debris.

#### **4.2.9. Drainage**

Surface drainage facilities and waterspouts should not empty onto neighbors' property, and must be kept in good condition. For special drainage needs, consultation with the ARC and Board is recommended.

#### **4.2.10. Fences and gates**

must be maintained in good repair (e.g., no gates off their hinges, no broken boards, no leaning fences).

#### **4.2.11. Firewood**

A reasonable amount of firewood (20-30 sticks) may be stored on the front porch in a neat manner during the winter months (October-April).

#### **4.2.12 Landscaping – Maintenance of Yards**

1. Flowers, shrubs, and trees may be planted in homeowners' lots without ARC's prior approval as long as such planting does not and will not: interfere with underground utilities (the homeowner must contact "Virginia 811" at [www.va811.com](http://www.va811.com) or by dialing 811), infringe upon the rights of other homeowners, inhibit the safety and security of the adjacent homes and the neighborhood in general, and intrude upon or otherwise interfere with use of the sidewalks and pathways in front of or behind their homes
2. The front and side yards of the homeowner's property should be maintained in such a way as to be decorative in nature.
3. Significant structural elements related to landscaping, such as retaining walls, raised gardens or planting beds higher than 10" above grade must be submitted for review and approval.
4. Any plant supports, trellises, or fencing must be neat, un-obtrusive, and decorative.
5. Any edging must be decorative.
6. All front and side yard areas should be well kept, free of weeds and debris.
7. Lawns must be well-kept with a uniform ground cover. To avoid an overgrown, unkempt look, grass should be no more than 4" high.
8. The use of bird netting and chicken wire is prohibited.
9. Planting invasive plants that can spread by re-seeding or underground roots into neighbor's property is prohibited.
10. If the homeowner and/or renter fails to properly maintain the landscaping the association shall have the right, if after twenty (20) days' notice to the owner of the lot or lots involved, to trim or remove at the expense of the owner, any planting that in the opinion of the ARC violates the guidelines, encroaches on the adjoining property, or is unattractive in appearance.

#### **4.2.13 Fruits and Vegetables**

The growth of a limited number of edible fruits and vegetables such as lettuce, kale, tomatoes, peppers, or blueberries in front and side yards may be permitted following the 4.2.12 Landscaping- Maintenance of Yards guidelines. The overall appearance must be decorative in nature and not give the impression of a vegetable garden or crops. Tomatoes, peppers, and blueberries, for example, should be integrated into the overall design in such a way as to be unobtrusive. Some additional guidelines to follow include:

1. Rotten or unpicked, fruits, vegetables, and seeds that have fallen to the ground must be removed as soon as possible to prevent attracting rodents and other pests.
2. Plants must be maintained in a neat manner and all plant debris removed at the end of their growing season.
3. Prohibited plants include but are not limited to: Squash, pumpkins, melons, brambles, corn, sun chokes, and rhubarb.
4. Covering the plants with season extending cloth, green houses, cloches, or hoops is not permissible.



5. Any plans to plant fruit and/or vegetables that deviate from the 4.2.12 Landscaping – Maintenance of Yards and/or 4.2.13 Fruits and Vegetables guidelines must be submitted for ARC approval. The application must contain a description of planned changes, drawing of the proposed project location, a description of plants to be planted, and description of any proposed structural elements.

#### **4.2.14. Flower boxes and pots**

Flower boxes and pots are allowed. The style must be non-obtrusive, colors and material of the containers must be consistent with the home and the community.

#### **4.2.15. Outdoor ornamentation**

A limited number of small garden ornaments in keeping with the style and character of the community are allowed in front and side yards. Such ornaments should be made of natural-looking materials and should be neither garishly painted nor obviously made of plastic. The use of birdbaths is discouraged due to the health hazard created by standing/stagnant water. All exterior decorative objects must be maintained in good appearance (i.e., garden items, flags, etc.) All seasonal displays must be removed within 30 days.

#### **4.2.16. Lighting**

No exterior direct lighting (spotlights, flood lights, and similar) shall be directed outside the boundaries of a Lot or be allowed to shine into the lots, patios, or fronts of neighboring homes.

#### **4.2.17. Lot use**

No Lot shall be used except for residential purposes or for professional offices as approved and licensed by the governing authorities having jurisdiction over such usage

#### **4.2.18. Nuisances**

“No noxious or offensive activity” shall be carried on upon any portion of the property, nor shall anything be done thereon that may be or become a nuisance or annoyance to the neighborhood.

#### **4.2.19. Paint**

Paint will be maintained in uniform and good repair (with no peeling, chipping, cracking, or stains on the trim and siding.) For guidelines on paint colors, see Section 2.4.

#### **4.2.20. Parking**

**4.2.20.1.** To maximize available parking spaces in the community, Units with garages are requested to use the garage “as the principal automobile parking spaces for that Lot.” Units with parking pads are requested to use the pads as their principal automobile parking spaces. All cars and other allowed vehicles must be parked in driveways, designated parking areas, or appropriate street parking. Parking is not permitted on non-paved areas or on paved areas which block access to a garage (whether homeowners’ lots or common property).

**4.2.20.2.** In order to provide more parking spaces, automobiles must be parked in the common parking areas at angles to the curb, not parallel to the curb. unless otherwise specified.

**4.2.20.3.** Guests should fill up the common parking spaces before parking on the streets.

**4.2.20.4.** Motorcycles are considered motor vehicles and must be parked in designated automobile parking areas.

**4.2.20.5.** After ten days' written notice to the Owner of any vehicle parked in violation of this covenant, the Association may remove such vehicle at the expense of the Owner.

**4.2.20.6. Recreational Vehicles.** No recreational vehicle and/or its related equipment may be parked or stored in the Townes of Moorefield. Recreational vehicles include, but are not limited to, boats, boat trailers, motor homes, self-contained or unmounted campers, camper/tent trailers, mobile homes or trailers, any vehicles not regularly used for transportation such as unlicensed or inoperative vehicles, dune buggies, and collector automobiles not licensed for use on Virginia highways.

**4.2.20.7** No commercial vehicle or construction equipment may be parked or stored in the community other than on a temporary basis not to exceed 7 days to provide services to an owner. Commercial vehicles are defined as:

- Any vehicle that is included in the Fairfax County Code, Chapter 112, as being defined as commercial
- Vehicles displaying commercial signs or advertising
- Vehicles with visible commercial equipment or equipment that could be deemed used for commercial purposes
- Any private, school or church buses

**4.2.20.8** Our community has several "turnaround" locations for large vehicles requiring access to dead end roads. These "L" shaped locations are at each end of Hunter Court, the end of Moorefield Hill Grove, the end of Moorefield Hill Court, and the end of Moorefield Creek Road. These areas must be kept free of parked cars for turnaround access.

#### **4.2.21. Personal property**

**4.2.21.1.** Baby carriages, grills, bicycles, toys, or other articles of personal property shall be stored or kept indoors, in garages, or in enclosed areas not to be visible from the street. A small number of items used daily or frequently (e.g. bicycles, baby carriages) for transportation and other frequent activities are permitted on porches. Items should be placed in an orderly manner and long-term storage of items not in use is prohibited.

**4.2.21.2.** Storage containers are allowed on porches but not parking pads. They are to be no wider than the depth of the porch and no higher than 4 ft tall. The color of the container must

be complementary to the color of the adjacent wall. Two examples of acceptable style and material are provided below. If you are planning to add a storage container to your front porch please submit a picture with the application.



#### **4.2.22. Pets and other animals**

**4.2.22.1.** Fairfax County and Town of Vienna ordinances do not allow pets to roam unleashed or unattended in the neighborhood. (Vienna Town Code, Chapter 3, §3-6)

**4.2.22.2.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats and other household pets may be kept, provided that they are not raised, bred, or kept for any commercial purpose.

**4.2.22.3.** Homeowners are responsible for any damage caused by their pets to common areas or neighboring properties. Owners must “scoop the poop” and fill any holes dug by their dog(s) when walking them in the community.

#### **4.2.23. Shrubs and Trees**

Dead shrubs and trees on an owner’s property must be removed. If the homeowner and/or renter fails to properly maintain the lot (lawn and shrubbery), the association shall have the right, if after twenty (20) days’ notice to the owner of the lot or lots involved, to trim or prune, at the expense of the owner, any hedge or other planting that in the opinion of the ARC is detrimental to adjoining property or is unattractive in appearance.

#### **4.2.24. Signs**

No sign of any kind larger than one-foot square shall be displayed to the public view on any Lot, except temporary signs of not more than five (5) square feet advertising the said Lot for sale or rent, for announcing an official TOMCA activity and as permitted by the Town of Vienna

regulations regarding political elections. (See Town of Vienna web site, “Sign Permits.”) These regulations apply here in Townes of Moorefield. Plastic Children at Play signs are permissible only during the period that children are outside playing at the designated location

#### **4.2.25. Speed Limits**

Residents and visitors are required to limit their speed on TOMCA streets to 15 MPH for the protection of children and adults alike whose homes are virtually on the street.

#### **4.2.26. Trash and debris**

**4.2.26.1.** Trash, garbage, or other waste shall be kept only in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. Trash or containers for the same must be kept out of site and not visible from street view, examples include storing in garage, or behind ARC approved fencing, screening, or planting, etc. (See images of example screens) Owners are advised to put their name or address on the lid or container.



**4.2.26.2.** Trash bags and recycling bags and containers shall not be placed outside at the front of the Lot except after 6:00 PM on the evening before of the trash and recycling collection day. (Note: Town Code states items will be placed at the curb line by 6:00 a.m. on the designated day). In no case are the wooded areas behind houses to be used for the dumping of lawn refuse, tree cuttings, leaves, construction material, pumpkins, Christmas trees, or any other matter.

**4.2.26.3.** Debris for special pickup must be placed on the homeowner’s property or on the designated spot for their normal trash pickup.

**4.2.26.4.** TOMCA owners are urged to either hire construction contractors that remove debris while performing work on projects, utilize the Town of Vienna’s heavy trash pickup service, or the services of junk removal companies before pursuing permission for space to park dumpsters because community parking areas with open spaces are very limited. The following guidelines for dumpsters parked on community spaces apply. All dumpsters placed temporarily on community property for a project must be approved by the Property Management Company.

- The request for a dumpster on community parking space will be made to the Property Management Company. Requests may be made via e-mail. Decisions of approval or disapproval will be provided to owners within 15 days of a request.
- Dumpsters are to be placed on parking pads when they exist.
- The dumpster will be no greater than 15 cubic yards in capacity.
- Placement of a dumpster will not inhibit vehicular traffic or constrain availability of normally used parking spaces of other residents. This will be determined prior to permission being granted or declined.
- Permitted dumpsters must be removed no later than 30 days from the date of their placement on community parking spaces unless an extension has been requested and approved.

**4.2.27. Utility supply and transmission lines**

Burying of utility lines in common area - Homeowners are responsible for advising the utilities that all utility supply and transmission lines (cables, wires, pipes, conduits), especially those coming in through their back yards, are not to be left exposed in the common areas behind their Lots, but are to be “placed underground or undersurface.” (Vienna Town Code §18-54, and §18-172.1)

**4.2.28. Vehicle repair**

**4.2.28.1.** No portion of the properties shall be used for the commercial repair of automobiles per Vienna Town Code. (Chapter 18-87.1. A.2)

**4.2.28.2.** Major repair of personal vehicles outside of a garage is prohibited.

**4.2.28.3.** Incidental work of a short-term nature outside of a garage is permitted.

**4.2.28.4.** All vehicles owned by TOMCA residents and parked in the community must have valid registrations where applicable.

**4.2.29. Visibility of vehicular traffic**

No fence, wall, tree, hedge or shrub planting shall be maintained so that the visibility of vehicular traffic is obstructed.

#### **4.2.30. Walkways, driveways, and parking pads**

Walkways, driveways, and parking pads must be kept in good repair. Walkways, driveways, and parking pads should be power washed periodically to remove stains. Section 5.21 provides guidelines for replacement of walkways.

### **5. Construction and Exterior Work: Exterior Projects Require ARC Approval**

In general, each construction project to the exterior of the house must be approved by the ARC. Specifically, No building, structure, alteration, addition or improvement affecting the external appearance of a building or structure shall be constructed upon any portion of the property unless and until a plan of such construction shall have been approved by the Architectural Review Committee of said Association as to quality of workmanship and materials, harmony of external design with surrounding structures, location with respect to topography and finished grade elevation, the effect of the construction on the outlook from surrounding property and all other factors which will in their opinion affect the desirability or suitability of the construction. No construction shall be commenced and lot graded except in accord with such approved plan or a modification thereof similarly approved.

#### **5.1. Attic Fans**

Any attic fans must be mounted on the rear roof of the house, not extend above the peak of the roof, and not extend higher than 24" above the roof surface.

#### **5.2. Weather protection structures**

##### **5.2.1. Awnings**

With prior ARC approval, retractable or permanent awnings may be installed over decks and patios for rain and sun shielding. These must be kept in good repair and if retractable, stored in the retracted state when not in use. Awning colors should complement house siding and/or trim. Installation of aluminum, non-retractable awnings is not permitted.



##### **5.2.2. Free Standing Patio Covers**

Free standing awnings, patio screens, gazebos, pergolas, or enclosures for weather and insect protection, whether glass, plastic, cloth, or screened may not be erected for more than 72 hours without prior ARC approval. Homeowners desiring to install an awning, gazebo, pergola, patio covering, or enclosure must submit a request to the ARC that describes the planned installation relative to design, location, height, color, etc. If the product will be purchased as a



unit rather than constructed on site, specific product information is desired. Photos are highly desirable. Generally, any structure taller than 96 inches will not be approved.



### 5.3 Tool/Storage Shed

Sheds that are installed against the rear of the unit, not adjacent to the fence line, may not exceed 7.5 feet in height, Sheds that are adjacent to the rear or side fence may not exceed 6 feet or the height of the fence, whichever is higher. The shed may not exceed 64 square feet. Commercially available tool sheds from home supply or other outlets will be considered. The application for a Tool/Storage shed must include information as specified in Section 2.3.

### 5.4. Additional Chimneys

Will be considered for approval provided they are constructed of matching (to original) brick masonry on the exterior of a house (i.e., front or rear on interior houses: or front, rear, or exposed side of an end unit). Chimneys constructed of pipe are not permitted. Vent piping for gas appliances is permitted.

### 5.5. Decks

#### 5.5.1. Permits

Constructing a deck (unless it is a “floating” deck not attached to a home, and having a maximum height of 30”) requires both Fairfax County and Town of Vienna building permits. Decks may be constructed on the ground level floor of all townhouses and off the second story of three-level townhouses with approval of the ARC. Elevated decks must meet the following conditions and guidelines:

#### 5.5.2. Material

Must be made of pressure-treated pine or synthetic materials such as Trex®, etc., and the railing slats must be vertical. Decks may not be painted but may be stained a natural wood color.

#### 5.5.3. Shape

Must not extend beyond the two imaginary 45 degree lines angled inwards from the furthest protruding corner of the common wall between any two units.

#### 5.5.4. Size

Must not extend more than 10 feet beyond the rear-most exterior wall of the unit or the adjoining units.

#### 5.5.5. Stairs

Stairs may be installed from the deck to the ground and must be made of the same material as the deck.

#### 5.5.6. Access

Doorway access from the deck level is permitted and must be consistent with the architectural character of the community, and may include French doors with mullions or sliding glass doors with or without mullions.

#### 5.5.7. Storage

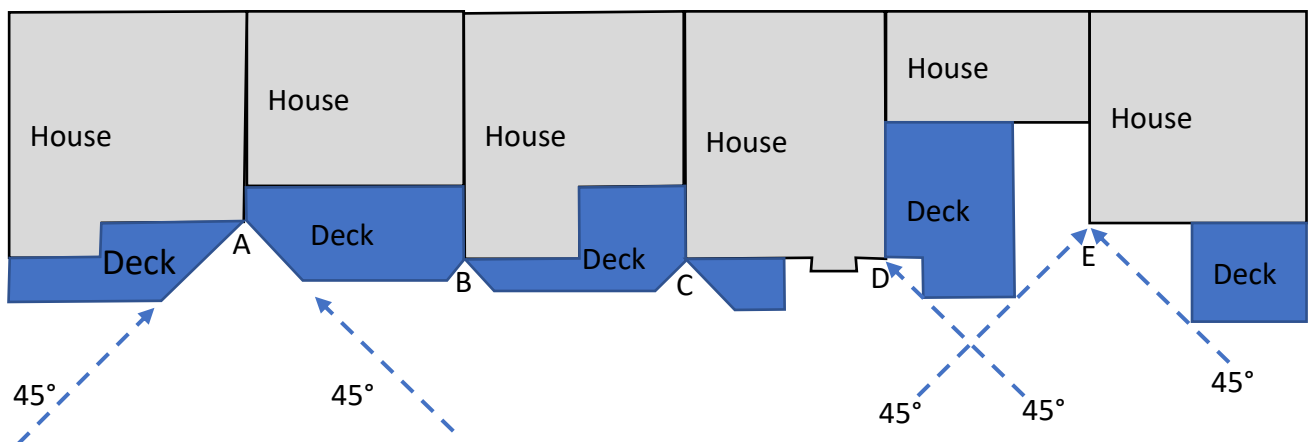
Items such as chairs, tables, sun umbrellas, flower pots & boxes, and grills may be kept on the deck. However, storage of other items, e.g. bicycles, exercise equipment, machinery, and workbenches, will not be allowed.

#### 5.5.8. Location

Decks may not be built on the sides of end unit townhouses.

#### 5.5.9. Designs

This example shows a few of the possible designs for decks which meet TOMCA criteria. Each deck stays within a 45 degree line extending from the corners of the party walls. Corners A, B, C, D, and E on the diagram below are such corners. This guideline is meant to maximize privacy, minimize shading of neighbors' property, and create aesthetic harmony with each individual unit.



#### 5.6. Deck Screen Room

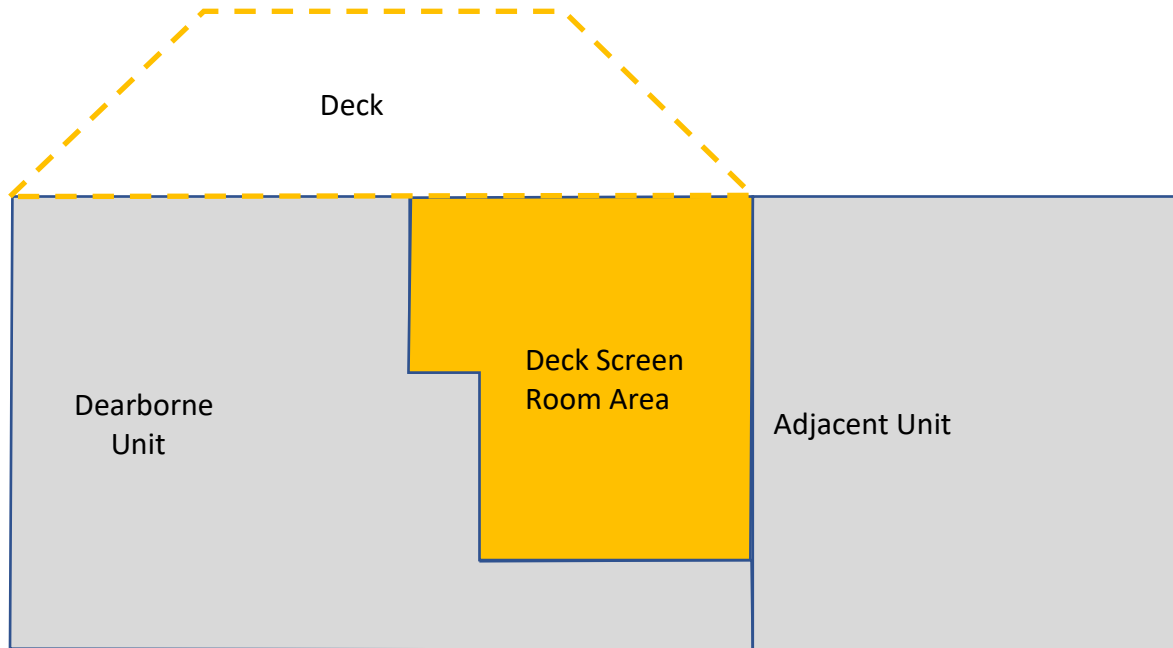
As a general rule, any areas of decks may not be screened in. However, it is permissible if a townhome is a Dearborne model and the adjacent townhome is positioned correctly. The space



of the deck within the footprint of the Dearborne and the adjacent townhome may then be enclosed with a screen wall and covered with a roof, subject to the following conditions:

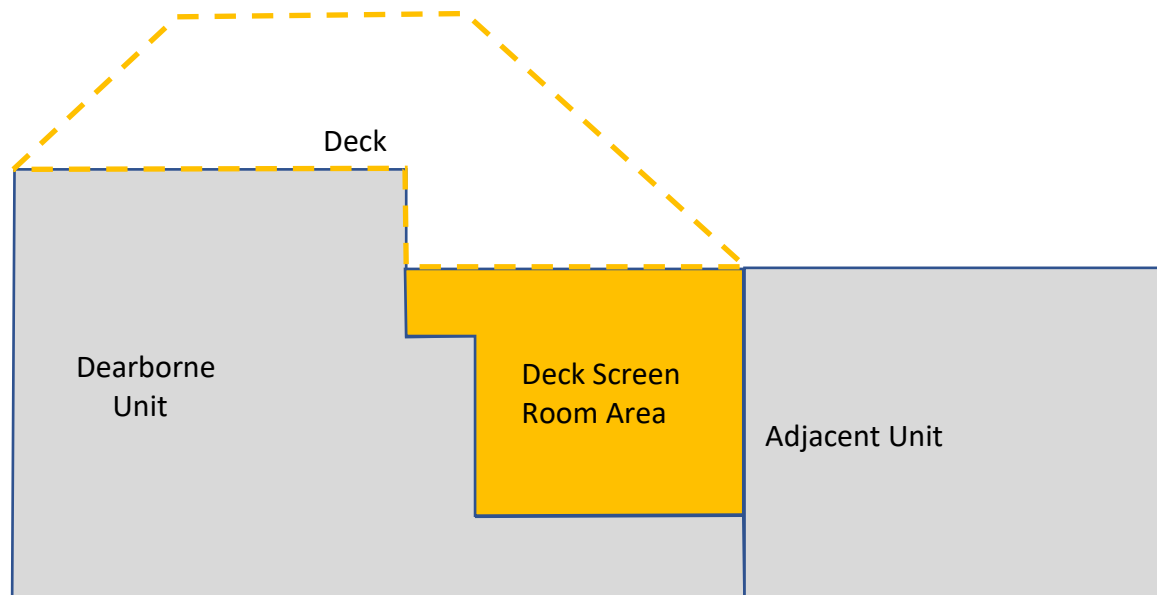
**5.6.1. The Dearborne and the adjacent townhome back walls line up with one another**

The screen wall must be built to be flush with the back walls of owner's Dearborne unit and the adjacent townhome. (See diagram below.)



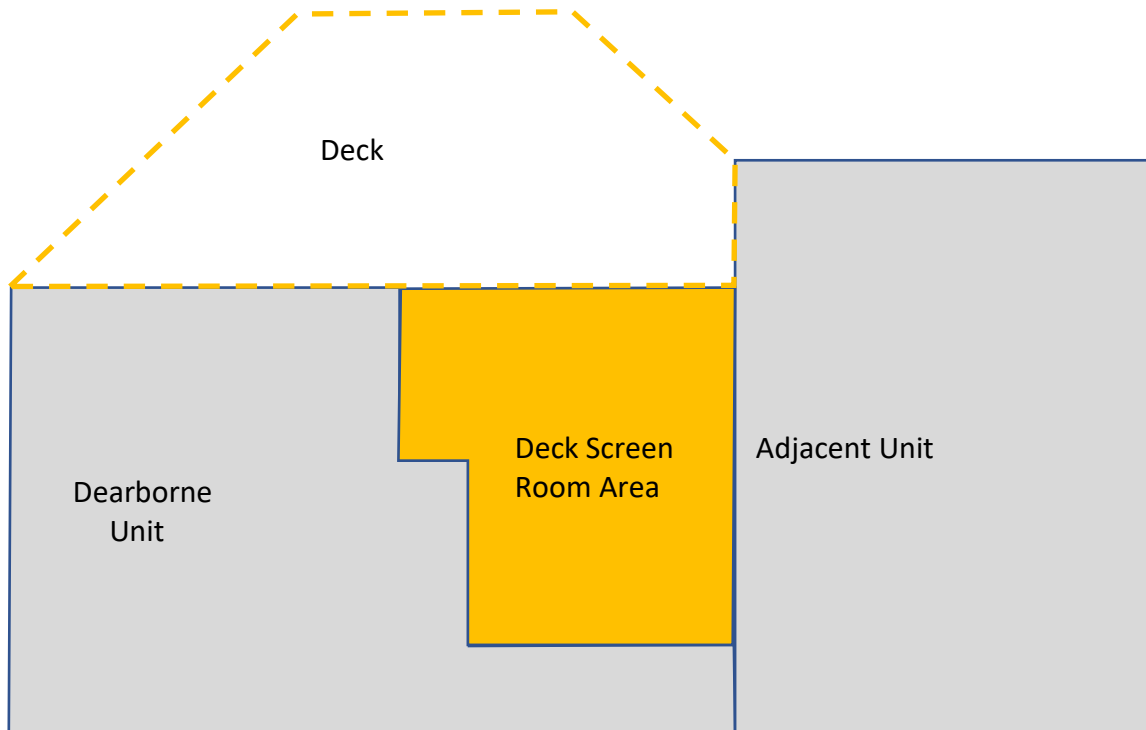
**5.6.2. The Dearborne back wall is forward of the adjacent townhome back wall**

The screen wall must be built flush with the back wall of the adjacent unit. (See diagram below.)



### 5.6.3. The Dearborne back wall is behind the adjacent townhome back wall

The screen wall must be built flush with the back wall of the owner's Dearborne unit. (See diagram below.)



### 5.6.4. Permits

All applicable building permits must have been acquired after ARC approval and prior to construction. All rules about construction permissions (Fairfax County and Town of Vienna), including materials, colors, and quality of workmanship, must be followed.

### 5.6.5. Height

Screen wall height must be 8 feet with a standard wood screen door installed.

### 5.6.6. Walls

Screen wall construction materials are to be lumber 4x4 roof supports, (2) 2x10 box beam header, 2x2 structural pickets, 2x4 structural rail runners, 1x4 rail rap, and 1x4 base trim.

### 5.6.7. Material

Screen material is to be fiberglass or aluminum and gray in color.

### 5.6.8. Finish

Exposed interior wood finishes may be either stained or painted. Exposed exterior wood finishes must be stained the same as the deck or may be painted to match the color of the exterior house trim.

### **5.6.9. Roof**

Roof construction is to be lumber 2x10 rafters on 24" centers with roof pitch and roofing material identical to the main roof.

### **5.6.10. Interior**

Interior ceiling must be bead board with open rafters.

### **5.6.11. Gutters**

Gutter and downspout are required and must match those already on the house and painted same color as house trim.

## **5.7. Driveways and Parking Pads**

Driveways and parking pads may be constructed of un-tinted, poured concrete; un-tinted, poured, stamped concrete; or un-tinted concrete pavers (permeable or non-permeable).

## **5.8. Doors and Windows**

### **5.8.1. Front doors and garage doors**

Can be various styles and colors that complement the house and trim colors and that are in harmony with the neighborhood. ARC approval is required for color and style changes.

### **5.8.2. Storm Doors**

Shall be a color that complements house and trim colors. Full-view storm doors are encouraged when adding or replacing storm doors.

### **5.8.3. Windows**

Designs shall be consistent with the architectural character of the community. They are double hung and have a 6/6 window grid configuration (6 panes in the top window sash and 6 panes in the bottom window sash). For homes that have Bay Windows, the middle window is 4x4 grid, the two side windows 3x4. All windows must have dividing mullions in keeping with existing style. Temporary exterior plastic or aluminum foil storm windows are not permitted.

Alterations to the existing bay window design or adding additional windows may be permitted.

New windows should be of similar design and size and should complement the existing structure. ARC approval of all replacement windows is required.

Regular double-hung window exteriors



Bay window interior



#### **5.8.4. Window Wells**

Construction of window wells will be considered provided they do not extend above grade level, are covered, and are landscaped.

#### **5.9. End-Unit Overhangs**

Owners of end units may build front door overhangs after detailed architectural plans have been approved by the ARC, and any necessary Fairfax County and Town of Vienna building permits have been acquired. The overhang must be consistent in style and materials with the house, e.g., shingles must match existing roof shingles, and the supporting structure(s) must be in harmony with the house. Overall harmony with the neighborhood is likewise important.



#### **5.10. Exterior Colors**

##### **5.10.1. Maintenance**

If the colors of a townhouse and trim are of the current Color Scheme, such painting is considered “maintenance” and does not require approval of the ARC.

##### **5.10.2. Color Changes**

If the homeowner is requesting a color change that is different from the current Color Scheme, color samples must be submitted with the application for ARC review and approval or disapproval. The requested color must be in harmony with the neighborhood.

### 5.10.3. Brick and Masonry Surfaces

Brick and masonry surfaces may not be painted.

## 5.11. Fences



Horizontal cap board

Fence

Fence

Fence

### 5.11.1. Location

All fences must be within the established Lot property boundaries. "No fence or wall of any kind shall be erected, begun or permitted to remain upon any portion of The Properties unless shown on the deed-of-dedication plat or unless approved by the ARC."

### 5.11.2. Height

Fences must be six feet in height (exception: end units with brick pillars may maintain fence at same height as pillars).

### 5.11.3. Material

Fences must be constructed of natural or pressure-treated lumber.

### 5.11.4. Shape

Fences must follow the contour of the land.

### 5.11.5. Hardware

Visible gate hardware must be black iron.

### 5.11.6. Design

The only approved fence design is a shadow-box design using fence boards that are 1" x 6" wide and have 6" wide flat tops or be in a dogear design. Fence boards must be 6' in height. In a

shadow-box design, boards are placed behind and in front of each on opposite sides of the rails, creating an almost full privacy effect, but allows for air flow with this spacing.

#### **5.11.7. Gates**

Gates must be constructed of the same materials and be of the same height and color as the fence.

#### **5.11.8. Posts**

Fence posts must have plain black caps.

#### **5.11.9. Rails**

Fences must have three horizontal support rails.

#### **5.11.10. Sealant**

Fences may have a clear coat sealant for preservation. No stains or paints are approved.

#### **5.11.11. Maintenance**

Maintenance of the fence dividing neighboring backyards is the responsibility of both affected homeowners to determine and is not an HOA matter unless it is in disrepair.

### **5.12. Garages**

#### **5.12.1. Permits**

Garages require building permits and must meet the setback and other building requirements of the Town of Vienna and Fairfax County.

#### **5.12.2. Location**

Owners of end units without garages may add a garage after ARC approval. Owners of interior units may add a 2-car garage if there is no garage on either side of the property and it is built to abut the property line on one side, leaving their own entry way open on the other side. It must not result in eliminating the front door so that the only entry to the home is through the garage. And if it abuts a neighbor's garage on one side and allows at least two sidewalks' width between it and the contiguous neighbor's entryway on the other side. It is recognized that this latter condition prevents some interior townhouses from having garages.

#### **5.12.3. Style**

Styles and materials must be consistent with the house itself, including brick, siding, trim and shingles, and with existing garages in the community.

#### **5.12.4. Roof**

Owners of units with flat-roofed garages may change to peak-roofs after approval of the ARC and acquiring Town of Vienna and Fairfax County building permits, with the same requirements of style and materials as existing peaked-roof garages. The ARC decision will depend in part on a consideration of the possible negative effects on the neighbors.

### **5.13. Interior Unit Entryway Enclosures**

As a general rule, entryways and porches may not be enclosed. However, if a garage already encloses half the entryway (which is possible on only a few units), a storm door and supporting frame may be installed to enclose the entryway. All rules about construction permissions (Fairfax County and Town of Vienna), materials, colors, and quality of workmanship must be followed. Installation can happen only after detailed architectural plans have been approved by the ARC.

### **5.14. Lighting**

Replacement entry front lamps must be in harmony with the community. New lamp post fixtures, sidewalk, or garage lighting is allowed to increase personal safety, but must comply with provisions stated in Section 4.2.19. Lights equipped with motion sensors must be properly monitored so that wind does not cause them to frequently switch on and off.

#### **5.14.1 String Lighting**

String lighting for illumination is permissible within the enclosed fence line and must not shine into neighbors' property. Such lighting should only be in use when the yard is occupied.

#### **5.14.2 Seasonal string lighting**

Seasonal string lighting is permissible on the property but must comply with provisions stated in Section 4.2.18 and 4.2.19.

### **5.15. Roof Shingles and Ridge Vents**

Shingles need to be approved by the ARC. Roof ridge vents must be the same color as existing roof shingles.

### **5.16. Satellite Dishes/Antennas**

It is the intention of these rules and regulations to permit the unimpaired reception of video programming services by homeowners while at the same time minimizing the visual impact (as observed from the front sidewalk of each subject home) of the satellite dishes necessary to receive such signals. Section 207 of the federal Telecommunications Act of 1996 gives homeowners the right to acceptable video broadcast signal reception. As such, this Act ensures the rights of all homeowners to purchase and use direct broadcast satellite devices (DBS receivers), as long as the receiver is one meter in diameter or less, multi-channel multipoint distribution services (MMDS), and /or traditional broadcast antennas. Homeowners are not required to have permission of the Architectural Control Committee as long as they remain in compliance with the terms of Section 207 and place satellite dishes/antennas not to exceed 4 feet in diameter, on decks, in backyards, or on rear roofs not protruding above the peak of the roof. They must not be mounted on any common fence between properties, as a courtesy to neighbors. The Association may permit other placement if the homeowner can demonstrate to the Association that a clear communications signal cannot be obtained in the backyard or lower part of the rear roof. Homeowners may not install or operate any transmitting device that generates interference with another homeowner's receiver. Satellite dishes that are in poor

condition or non-operational shall be repaired or removed by the homeowner to maintain the architectural integrity of the community.

#### **5.17. Shutters**

Units are allowed to add shutters in a color that complements the unit's color scheme and are of a design similar to the original shutters within the community. ARC must approve the colors of the shutters.

#### **5.18. Skylights**

Skylights may be installed that are of a style/type that minimizes extension above the roof surface and when closed are reasonably unobtrusive.

#### **5.19. Solar Panels**

Solar panels may be erected on roof-tops or in enclosed rear yards so that they are reasonably unobtrusive to ensure minimal visibility from street and pleasant aesthetics. If erected on pitched roofs, they must not extend more than 12 inches above the roof and in no case higher than the roof ridge. If erected on top of flat garage roofs, they must not be visible from the street. If erected in rear yards, they may not be higher than the fence. Solar panels and related equipment must blend into the roof and/or surroundings as much as possible. Non-functional solar panels or those in disrepair should be repaired or removed within 30 days. Solar panels must comply with all applicable State of Virginia and Town of Vienna building codes.

Solar Panels must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person nearby. Owners who install or maintain panels are responsible for all associated costs and have a continuing responsibility to prevent them from falling into disrepair. If Panels are removed owners must retore the installation site to its original condition.

#### **5.20. Sun Tunnels**

Also known as sun pipes, sun tubes, sky tubes, solar light tubes and light tunnels, are allowed in the Townes of Moorefield with the following restrictions: No more than two are allowed on the front of the roof and no more than two are allowed on the back. Each sun tunnel may be no more than 14 inches in diameter.

#### **5.21. Walkways**

Walkways, with ARC approval, may be replaced with a variety of styles and materials such as flagstone, slate, tile, brick or cement that complement the house and are in harmony with the neighborhood.

#### **5.22. Window Mounted Air Conditioners**

Prohibited. Except for reasonable accommodations required under federal and/or local fair housing laws, window air conditioners are prohibited. Window fans for temporary ventilation may be set up for up to 24 hours.



### 5.23. Hot Tubs and Spas

Hot tubs and spas must be placed at ground level, must be wholly located inside the fenced area of the back yard and must be in compliance with Fairfax County codes. Hot tubs and spas cannot be drained onto HOA property. The homeowner is responsible for the cost of repairs for any damage to HOA property due to water leaks or chemical discharge.

### 5.24. Electric Vehicle Charging Stations

It is strongly preferred that for houses equipped with a garage, the charging unit is placed within the garage unless it is proven to be not technically feasible or reasonably practical due to safety risks, structural issues, or engineering conditions. For houses without a garage the charging unit may be placed on the exterior wall of the home, or on a free-standing pole in close proximity to the associated parking pad so that a pedestrian hazard is not created by a length of high voltage cable between the charging station and the vehicle when parked. Typical cable lengths for charging stations are between 16 and 18 feet, to accommodate vehicles of differing lengths. All Charging Equipment must meet all applicable federal, state and local laws, and standards for use with an Electric Vehicle, and shall be certified and so marked by a nationally recognized testing laboratory. (e.g. Underwriters Laboratories) Exterior Electric Vehicle Charging stations must be approved by the ARC prior to installation through the standard ARC application form.



## ROLES AND RESPONSIBILITIES

### 6. Town of Vienna

“In the event that the Association, within sixty (60) days after receipt of written notice from the Town Council of Vienna, Virginia, of a default or other breach of obligations contained herein, fails to remedy such default or breach, or in the event the Association shall fail to properly maintain the common areas, then the Town of Vienna...shall, acting by and through its appropriate officials, be empowered to exercise the authority vested in the Association to enforce these covenants and may exercise such authority against any and all owners as it deems prudent in accordance with the terms of the Declaration.” Following appropriate Association and Town of Vienna notifications to an owner to cut grass weeds or other foreign growth, [the Town of Vienna shall] exercise the authority to cut such growth, if such action has not been taken by the Association, and bill to the owner the cost, adding a lien on the property if the bill is not paid. (Town of Vienna Code, Chapter 13, §13-7 through §13-10)

## **7. TOMCA Board of Directors shall:**

“...cause the exterior of the dwellings to be maintained pursuant to Article IX of the Declaration of Covenants, Conditions and Restrictions.” (By-Laws, Article VII, Section 2 (i))

Exercise “...the right to enforce by any proceeding at law or inequity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.” (Declaration, Article XI, Section 1)

Exercise the right “...if after twenty (20) days’ notice to the Owner of the Lot or Lots involved, to trim or prune, at the expense of the Owner, any hedge or other planting that in the opinion of the ARC is detrimental to adjoining property or is unattractive in appearance. The Association will set forth the action intended to be taken, if such action has not been taken by the owner.” (Declaration, Article X, Section 10)

“...appoint an Architectural Review Committee, as provided in the Declaration of Covenants, Conditions and Restrictions....” (By-Laws, Article IX, Section 1; Declaration, Article VI)

Support the ARC as necessary in the performance of its duties.

Serve as a Board of Appeals to review, request more information, and approve or disapprove homeowner’s projects which were denied approval by the ARC. The Board’s decision will be final. See Section II of these Guidelines.

Review, approve, or disapprove proposed modifications and amendments to these Guidelines.

Upon sale of a townhouse, the President of the Board, in consultation with the Property Manager, shall certify that any changes that were made to the exterior of the townhouse have or have not received ARC approval.

## **8. TOMCA Architectural Review Committee shall**

Review and carefully consider applications from Homeowners for improvements to their homes and property, in accordance with these Guidelines.

Provide advice and guidance to Homeowners who wish to undertake projects and may need assistance in understanding these Guidelines, in preparing their applications, in selecting materials and colors, or in planning related aspects of their proposed projects.

“...receive complaints from members [of the community] on any matter involving association functions, duties, and activities within its field of responsibility. It shall dispose of such complaints as it deems appropriate or refer them to such other committee, director, or officer

of the Association as is further concerned with the matter presented.” (By-Laws, Article IX, Section 2)

Refer issues to the Board of Directors for their attention and resolution.

Periodically review and recommend updates to these Guidelines as necessary for the Board’s review and approval.

### **9. TOMCA Property Management Company shall**

Manage the Application Process for requests for Architectural Change from Homeowners.

Keep the Board of Directors apprised of actions taken including submitting a monthly report to the Board.

Maintain files of ARC approvals or disapprovals for each home in the community.

LOT #

SECTION #

**TOWNES OF MOOREFIELD COMMUNITY ASSOCIATION (TOMCA)** Page 1 of 3

**Application Form for Architectural Changes**

Homeowner Name(s): \_\_\_\_\_ Date: \_\_\_\_\_

TOMCA Property Address: \_\_\_\_\_ Lot # \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**INSTRUCTIONS TO APPLICANT:**

1. Consult the TOMCA Architectural Guidelines ( edition with revisions through ) for specific submittal requirements for each proposed change.
2. Submit application form, drawings, measurements, samples and other required documents to:

Townes of Moorefield CA/ARC Application  
c/o Sequoia Management Company  
13998 Parkeast Cir.  
Chantilly, VA 20151

Or e-mail to: [lgilbert@sequoiamgmt.com](mailto:lgilbert@sequoiamgmt.com)  
and to: [vlopez@sequoiamgmt.com](mailto:vlopez@sequoiamgmt.com)

Or Fax to: (703) 968-0936 (if application includes photos or color brochures, these will not be legible via fax)

3. When submitting an ARC application, if you do not get an email or phone confirmation of receipt within 48 hours, please re-contact Sequoia Management by email or phone at 703-803-9641.
4. PLEASE NOTE: Application material submitted by e-mail must be combined into a single PDF document. Please do not include additional information in the body of the email correspondence.
5. Certain exterior changes, such as the installation of new fences and movement of existing fences, will require a house location (plat) survey indicating the location of the proposed changes.
6. All ground level patio, deck, and hardscape applications should describe in detail how drainage will be maintained and how downspout water runoff will be directed. Include description of pipe and drainage bed if applicable.
7. Read, initial and sign where indicated.

**Exterior Changes to Property Requested:** (Please submit a separate request for each element).

- Roof related, including but not limited to shingles, ridge vents, attic fans
- Chimney related
- Decks, any level, including deck enclosures (as allowed on certain models per guidelines)
- Doors, exterior, all types, removal, replacement, painting
- Driveways/parking pads
- Fencing
- Garage, all related elements
- Gutters & Downspouts
- Landscaping
- Lighting & Fixtures, exterior
- Shed, new replacement
- Shutters, removal, replacement, painting
- Sidewalks, Steps & Porches
- Siding
- Skylights & Solar Panels
- Electric vehicle charging station (If submitting an application for an Electric Vehicle Charging Station, please submit detailed plans and drawings for the installation prepared by a licensed and registered electrical contractor.
- Trim, all exterior
- Railings
- Windows
- Front Railing
- Drainage & Erosion
- Patios
- Other:

Describe Proposed Changes (attach additional sheets if needed):

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Estimated Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
(Allow up to 30 days for AAC approval prior to start date)

Homeowner Agreement:

1. I agree that compliance with Townes of Moorefield Community Association (TOMCA) Covenants and ARC Guidelines and approval by the TOMCA Architectural Control Committee (ARC) do not constitute compliance with Fairfax County and/or Town of Vienna building and zoning codes and that ARC approval will not be constituted as a waiver or modification of any code restriction.
2. I agree that work will not be started until written approval of the ARC has been received by me, and that if changes are made without approval, I will be required to return the property to its former condition at my own expense and pay full legal fees incurred if this application is disapproved.
3. I agree that the authority granted to make the proposed changes will be revoked automatically if the changes requested have not commenced within 180 days of the approval date and completed by 180 days thereafter.
4. I agree to repair/restore any common area property that I or my agent/contractor may damage during the completion of this modification/project for which I am applying.
5. I agree that I or my agent/contractor will properly dispose of, off-site, any construction debris generated by this modification/project, including any construction debris not picked up by the Town of Vienna.
6. I will assume all liability for the work performed, and agree to indemnify and hold the Association, its Board and managing agents, as well as the ARC, harmless for any damage and/or subsequent drainage or erosion issues suffered or incurred as a result of this modification/project, to adjacent properties.

I have read and understand the above.

Homeowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Helpful Checklist for Homeowner (initial each):

- \_\_\_\_\_ I have consulted the most recent edition of the ARC Guidelines.
- \_\_\_\_\_ I have included a detailed description of the proposed changes.
- \_\_\_\_\_ I have included a detailed drawing of the proposed changes.
- \_\_\_\_\_ I have included paint chips, brochures, or whatever is necessary for the ARC's review.
- \_\_\_\_\_ I have included a plat survey for all structural changes.
- \_\_\_\_\_ I have read and signed the application.

FOR COMMITTEE USE ONLY:

ACTION: APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ CONDITIONS \_\_\_\_\_