

**INDIAN RIVER FARMS OWNERS' ASSOCIATION**  
**RULES AND REGULATIONS**  
(revised August 2005)

**INTRODUCTION.**

The following Rules and Regulations ("Rules and Regulations" or "Rules") are adopted by the Board of Directors in accordance with Article IV, Section 4.3, and Article VII, Section 7.1(o) of the Declaration of Covenants, Restrictions, Reservations and Easements of Indian River Farms ("the Declaration") until these Rules and Regulations are amended by the Board of Directors.

Notice of these Rules shall be provided by U.S. Mail to each Owner of record in the Association at the address of record with the Association's Manager. Owners shall receive notice of amendments to these Rules by U.S. Mail or by distribution of any amendments in the Association's Newsletter, which has been adopted as an official form of notification for the Association.

**DEFINITIONS:** The following definitions shall apply:

The term "Board" may be substituted for the term "Board of Directors" throughout these Rules and Regulations and shall have the same meaning as that term is defined in the Association's Declaration and/or the Bylaws of Indian River Farms Owners' Association (the "Bylaws").

The term "Governing Documents" is defined to include the Association's Declaration, Bylaws, plats and plans, Board Resolutions, Rules and Regulations and Architectural Guidelines, as the same has been and may be amended from time to time.

The term "Properties" is defined to include all property in Indian River Farms Owners' Association including all Lots and Common Areas as delineated on the plats and plans.

Invalidation of one of these Rules and Regulations contained herein, by judgment or court order, shall not otherwise affect any of the other Rules and Regulations, which shall remain in full force and effect.

**1. ANIMALS.**

- (a) The maintenance, keeping, boarding or raising of animals, livestock, poultry or reptiles, fowl, swine, cattle, horses or other livestock of any kind, regardless of number, is prohibited on any Lot or upon the Common Area, nor shall any animals be raised or bred or kept for any commercial purposes, except that the keeping of guide animals and orderly domestic pets (e.g., dogs, cats or caged birds) is permitted without the approval of the Board of Directors; provided, however, that such pets are not kept or maintained for commercial purposes and that any such pet causing or

creating a nuisance, unreasonable disturbance or noise on an ongoing basis after the Owner thereof has received notice from the Board regarding such disturbance shall be subject to permanent removal from the Properties within ten (10) days after receipt of a written notice from the Board.

- (b) The foregoing notwithstanding, any pet which threatens the safety of any person(s) lawfully on or occupying the Properties, shall be permanently removed from the Properties without ten (10) days written notice from the Board if the Board deems such removal necessary to protect the safety or welfare of such person(s), and in such cases, the Board shall provide such notice as is reasonable under the circumstances.
- (c) The number of ordinary domestic pets excluding caged animals and birds and those maintained in an aquarium or terrarium shall not exceed the number permitted by local ordinance.
- (d) When outdoors, pets should be attended by a responsible person who can control the pet. Pets shall not be left unattended for an extended period. Pets shall not be permitted upon the streets unless accompanied by someone who can control the pet and unless carried or leashed. Pets are not allowed on the Association's Common Areas, including, but not limited to, the playground, around the lakes or in the Common Area adjacent to the playground. Pet Owners are responsible for the immediate removal and proper disposal of animal waste on all portions of the Property.
- (e) Any Owner who keeps or maintains any pet upon any portion of the Properties agrees to indemnify and hold the Association and each Owner free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the Properties.
- (f) All pets shall be registered with the City of Virginia Beach and inoculated as required by law.

**2. CASUALTY.** Damage to property by fire, casualty, vandalism, accident or other cause must be promptly reported to the Association by any person having knowledge thereof. If a building or other improvement located upon a Lot is damaged or destroyed, the Owner thereof shall restore the site either (i) by repairing or reconstructing such building or improvement, or (ii) by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Properties. Such work must be commenced promptly after the date of casualty and substantially completed no later than **twelve (12) months** after the date of casualty; provided, however, that any unsafe structure must be immediately secured and fenced.

3. **CLOTHES LINES.** No clotheslines or other clothes drying apparatus shall be permitted on any Lot. No portion of a Lot shall be used for the drying or hanging of laundry or the airing of clothes or other items unless such laundry or other items are adequately screened from view and not visible from streets or neighboring Lots.
4. **COMMERCIAL USE.** No Lot shall be used for any business, commercial, manufacturing, mercantile, storing, vending or other non-residential purpose. An Owner may maintain a home occupation in a dwelling constructed on such Owner's Lot if (i) such occupation generates no significant number of visits (as determined by the Board of Directors) by clients, customers or other persons related to the business, (ii) such occupation does not disturb the surrounding neighbors, (iii) no equipment or other items related to the occupation are stored, parked or otherwise kept on such Owner's Lot or the Properties outside of an approved enclosure, and (iv) such Owner has obtained approvals for such use as may be required by the City of Virginia Beach, Virginia.
5. **EMISSIONS.** There shall be no emissions of dust, sweepings, dirt, cinders, odors, gases or other substances into the atmosphere except for normal residential chimney or BBQ grill emissions and no production, storage or discharge of Hazardous Materials on the Properties or discharges of liquid, solid wastes or other environmental contaminants into the ground, storm drains or any body of water.
6. **FIREWOOD.** Because of the threat of pest problems, firewood may only be stored on Lots **six (6) inches** off the ground. Firewood must be stored behind the rear foundation line of a Lot and stacked in a neat and orderly manner and shall not be stored so that it blocks access to any door or thoroughway, or any Common Area. Firewood shall not be stacked in excess of four (4) feet in height. Owners, when necessary, must clean and sweep Common Areas that have been littered due to the delivery of firewood.
7. **GRILLS.** Use of portable barbecue grills or other portable outdoor cooking equipment is permitted on the Lots. Outdoor cooking equipment must be placed behind the dwelling and positioned so that smoke will not disturb neighboring Lots. **Fires must be extinguished promptly after cooking.** Permanent grills require approval from the ARB. When not in use, grills must be stored inside a privacy fence, shed, garage, patio, deck area or behind the dwelling. **REMEMBER: Do not place grills in a confined area until the fire has been totally extinguished. Grilling in any garage, shed or other structure is strictly prohibited.**
8. **GROUP OUTDOOR RECREATIONAL ACTIVITIES.** Group outdoor recreational activities such as street hockey, basketball, and volleyball may be permitted from sunrise to sunset in designated areas, if any are determined by the Board. In no event may such activities impede or hinder traffic within the Properties.
9. **HAZARDOUS USES; WASTE.** Nothing shall be done or kept on the Properties which will increase the rate of insurance applicable for permitted uses for other Lots, the Common Area, or any part thereof without the prior written consent of the Board, including, without limitation, any activities which are unsafe or hazardous with respect to

any person or property. No person shall permit anything to be done or kept on the Properties which will result in the cancellation of any insurance on any other Lot, the Common Area, or any part thereof of which would be in violation of any law, regulation or administrative ruling. No vehicle of any size which transports inflammatory or explosive charge may be kept or driven on the Properties at any time.

Each Owner shall comply with all federal, state and local statutes, regulations, ordinances, or other rules intended to protect the public health and welfare as related to land, water, groundwater, air or other aspects of the natural environment (the "Environmental Laws"). Environmental Laws shall include, but are not limited to, those laws regulating the use, generation, storage or disposal of hazardous substances, toxic waste and other environmental contaminants (collectively, "Hazardous Materials").

No Owner shall knowingly use, generate, manufacture, store, release, dispose of or knowingly permit to exist in, on, under or about such Owner's Lot, the Common Area, or any portion of the Properties, or transport to or from any portion of the Properties any Hazardous Materials except in compliance with the Environmental Laws. No waste shall be committed on the Common Area.

**10. HOLIDAY DECORATIONS.** Decorations for the Holidays (Thanksgiving, Christmas, Hanukkah, etc.) may be displayed the weekend prior to Thanksgiving and must be removed by January 15. Any other Holiday's decorations (Valentines Day, St. Patrick's Day, July 4<sup>th</sup>, etc.) may be displayed seven (7) days prior to the holiday and must be removed within three (3) days of the holiday.

**11. LAKES AND WATER BODIES.** As provided in the Governing Documents, **all lakes and water bodies within the Properties shall be aesthetic amenities and shall be used for surface water drainage retention only, and no other use shall be made thereof, including without limitation, swimming, boating, fishing, playing or use of personal flotation devices.** No piers or docks, or observation decks or other structures shall be constructed on any portion of any lake nor attached to the shoreline or banks thereof, except for those approved by the Board and/or Architectural Review Board (ARB). **The Association shall not be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of any lake or waterbody within or adjacent to the Properties.**

No landscaping of any kind, including cutting of grass and removal of natural fauna, shall take place from the top of the Lake bank(s) towards the center of any Lake.

**12. LEASING.** No dwelling located on the Properties shall be used or occupied for transient or hotel purposes or in any event leased for the initial term of less than twelve (12) months. No portion of any dwelling (other than the entire dwelling) shall be leased for any period. All absentee Owners shall promptly notify the Association of their new address and phone number, and a copy of the lease is to be provided to the Association immediately. Owners are responsible for providing their tenants with a copy of the

Governing Documents, including the Rules and Regulations and Architectural Guidelines, at the Owner's expense.

13. **MAINTENANCE.** Each Owner shall keep the Lot, and all Improvements thereon, in good order and repair, free of debris, all in a manner and with such frequency as is acceptable to the Association and consistent with a first-quality single-family residential development. Such Improvements shall include any residence, fence or other approved structure or landscaping on the Lot and such manner shall include, but is not limited to, mowed grass and properly maintained exterior appearance. In the event an Owner shall fail to maintain his Lot and the Improvements situated thereon as provided herein and in the Governing Documents, the Board, after notice to the Owner, shall have the right to enter upon any Lot in violation hereof and correct such violation. All costs related to such correction shall become a special assessment upon such Lot and shall be regarded as any other assessment with respect to lien rights of the Association and remedies provided in the Governing Documents and by Section 55-516 of the Code of Virginia of 1950, as amended.

14. **NEWSPAPER TUBES.** Newspaper tubes are prohibited.

15. **NOISE.** All persons present on the Properties shall comply with the applicable local noise ordinances. Residents shall refrain from generating music or noise between the hours of 11:00 PM to 7:00 AM which is audible from the exterior of the dwelling or from the exterior of any vehicle operated by the Owner, family members, tenants or guests.

16. **NUISANCES.** No nuisance, as defined by the laws and case law of the Commonwealth of Virginia, shall be permitted to exist on any Lot. Each Owner shall refrain from any act or use of his or her Lot which could reasonably cause embarrassment, discomfort, or annoyance to other Owners or residents.

17. **OBSTRUCTIONS.** No person shall obstruct any of the Common Area, or otherwise impede the rightful access of any other person on any portion of the Properties upon which such person has the right to enter. No person shall place or cause or permit anything to be placed on or in any of the Common Areas without the approval of the Board. Nothing shall be altered or constructed in or removed from the Common Area except with the proper written approval of the Board.

18. **PARKING AND VEHICULAR RESTRICTIONS.**

- (a) **No parking is permitted on any Lot's lawn or on any Common Area grass at any time.**
- (b) **Each Lot shall provide off-street parking which must be paved from the edge of pavement of the connection right-of-way to the extent of the off-street parking area and shall not be constructed of stone, shell, rock or**

like or similar loose materials. See Indian River Farms Owners' Association Architectural Guidelines for additional applicable standards.

The off-street parking area shall be of sufficient size to extend beyond the perimeter of the item(s) or vehicle(s) that utilize the off-street parking. No boats, boat trailers, house trailers, trucks in excess of three-quarter (3/4) ton, buses, recreational vehicles, campers, camper-pickups or similar items or vehicles shall be parked within the subdivision except in a garage or on a Lot in a paved area to the rear of a point ten (10) feet to the rear of the front building line of the residence constructed thereon; and then only if said area is enclosed by a six feet (6') high privacy fence.

- (c) Visitors and Guests may park on the street in accordance with the following:
  - (i) Street parking is allowed for Visitor and Guest campers, camper-pickups and recreational vehicles only;
  - (ii) Vehicles shall be parked on either side of the driveway and in such location to preserve the visibility of vehicles exiting driveways;
  - (iii) Vehicles shall be parked in such location to preserve the visibility required to keep intersections clear and safely navigable to local traffic;
  - (iv) Visitor and Guest vehicles may not remain on the street longer than 14 days.
- (d) Any vehicles parked on the street at any time shall be parked in the direction of the flow of traffic and all state and local provisions applicable to operating a motor vehicle on public streets shall be observed by Owners, family members, guests, visitors, invitees and licensees.
- (e) No junk or derelict vehicles, trailers, campers, recreational vehicles, motorcycles, motorbikes, boats or like items or other vehicles not displaying current registration plates and current city/county and state permits shall be kept on any portion of the Properties, nor shall any Owner conduct repairs (except in an emergency) or restorations of any motor vehicle or other vehicle upon any portion of the Properties; provided, however, that noncommercial repair and storage of such vehicles is permitted within enclosed structures with the doors closed at all times.
- (f) All motor vehicles, including, but not limited to, trail bikes, motorcycles, dune buggies, and snowmobiles, shall be driven only upon paved streets and parking areas. A speed limit of 25 MPH should be observed within the parking areas and subdivision streets unless otherwise posted. No motor

vehicles shall be driven on community trails, pathways playgrounds, parks or unpaved portions of the Common Area, except such vehicles as are authorized by the Board as needed to maintain, repair or improve the Common Area. This prohibition shall not apply to normal vehicular use on designated streets and lanes.

- (g) Subject to applicable laws, ordinances, and the Governing Documents, any commercial or private vehicle, camper, recreational vehicle, motorcycle, trailer or house trailer, or boat (hereinafter "a vehicle"), parked in violation of these or other restrictions set forth in the Governing Documents may be towed by the Association at the sole expense of the Owner of the vehicle as follows:
  - (i) If the vehicle is parked in a NO PARKING ZONE or fire lane, double parked or otherwise blocking throughways, mailbox access or causing an emergency situation, it will be subject to towing without notice; and
  - (ii) If the vehicle is parked in violation of any other of the provisions of the Governing Documents, then it may be towed by the Association if it remains in violation for 24 hours after a notice of violation is placed on the vehicle or 5 business days after a certified letter is mailed to the Owner.

The Association shall not be liable to the Owner of the towed vehicle for trespass, damage, conversion, or otherwise, nor shall the Association be guilty of any criminal act, by reason of the towing.

In cases of towing in which notice is required, once notice is posted or mailed, neither its removal, nor failure of the Owner to receive it for any reason, shall be grounds for relief of any kind. An affidavit of the person posting such notice stating that the notice was properly posted shall be conclusive evidence of proper posting.

**19. SALE OF LOTS.** Virginia law requires sellers of residential property located in a property owners' association to make certain disclosures to their purchasers. Upon an Owner's request, the Association will provide a disclosure packet as required by the Property Owners' Association Act. The Association charges a **\$100.00** fee for providing the **disclosure packet**. When you begin the process of selling your home, you need to contact the Association office immediately to order your packet.

**20. SIGNS.** No sign or banner may be displayed on any Lot which is visible from a public right-of-way with the exception of one (1) banner, one (1) "For Sale" or one (1) "For Lease" sign of a size not to exceed nine (9) square feet. No signs of any character shall be erected, posted or displayed on any Common Area. **Signs that are placed on the Common Area will be removed and destroyed.**

**21. SOLICITATION.** All door-to-door commercial solicitation is prohibited. Placing any materials under or on dwelling doors is prohibited without the prior written permission of the Board. Placing any materials in, or attaching materials to, any mailbox is prohibited. **This rule applies to Owners and their families within the Association.**

**22. TRASH.** Containers shall be placed on the street no earlier than 5:00 PM of the day prior to collection and removed by 8:00 PM the day of collection. Trash, garbage or other waste must be immediately stored in covered, sanitary containers designed for the storage or disposal of such materials. No trash, garbage, construction debris or other unsightly or offensive material shall remain upon a Lot. The containers shall be kept in a clean and sanitary condition and shall be kept inside a privacy fence, shed, garage or other concealed or screened area and shall not encroach on the building setback lines or be visible from any public roadway. Trash containers shall not be kept in front yards, and, if kept in side yards or rear yards, they should be screened from view in screened enclosures, unless behind a fence approved by the Architectural Review Board (ARB). **Trash, leaves and other similar material shall not be burned on any Lot or in the streets or Common Area adjacent thereto.**

**23. UNDERGROUND UTILITIES.** No water pipe, sewer pipe, gas pipe, drainage pipe, television cable, electrical wire, or other similar transmission or utility line shall be installed or maintained upon any Lot above the surface of the ground.



**INDIAN RIVER FARMS OWNERS' ASSOCIATION**  
**ARCHITECTURAL GUIDELINES**  
(revised August 2005)

The following Architectural Guidelines ("Architectural Guidelines" or "Guidelines") are adopted by the Board of Directors, upon approval by the Architectural Review Board, in accordance with Article VI, Section 6.6, of the Declaration of Covenants, Restrictions, Reservations and Easements of Indian River Farms ("the Declaration") until these Architectural Guidelines are amended by the Board of Directors.

Notice of these Guidelines shall be provided by U.S. Mail to each Owner of record in the Association at the address of record with the Association's Manager. Owners shall receive notice of amendments to these Guidelines by U.S. Mail or by distribution of any amendments in the Association's Newsletter, which has been adopted as an official form of notification for the Association.

Please note that the Board and/or the ARB may utilize, refer to and implement additional Guidelines adopted from time to time without prior notification to the Owners of the adoption of such Guidelines, *provided*, however, that such additional Guidelines shall be consistent with, supplement and/or improve the Guidelines of which Owners have received written notice.

***Owners are cautioned that the Architectural Guidelines are guidelines only, and that the ARB may exercise its sole discretion in determining whether to approve or disapprove any Architectural Application on a Lot by Lot basis.***

Invalidation of one of these Guidelines contained herein, by judgment or court order, shall not otherwise affect any of the other Guidelines, which shall remain in full force and effect.

**DEFINITIONS:** The following definitions shall apply:

The term "ARB" may be substituted for the term "Architectural Review Board" throughout these Architectural Guidelines and shall have the same meaning as that term is defined in the Association's Declaration and/or the Bylaws.

The term "Board" may be substituted for the term "Board of Directors" throughout these Architectural Guidelines and shall have the same meaning as that term is defined in the Association's Declaration and/or the Bylaws of Indian River Farms Owners' Association (the "Bylaws").

The term "Corner Lot(s)" is defined to include the following Lots as depicted on Exhibit A attached to these Architectural Guidelines: 1, 10, 11, 17, 42, 43, 54, 55, 99, 100, 109, 110.

The term "Governing Documents" is defined to include the Association's Declaration, Bylaws, plats and plans, Board Resolutions, Rules and Regulations and Architectural Guidelines, as the same has been and may be amended from time to time.

The term "Forest, Lake, Open Space and/or Wetlands Lot(s)" is defined to include the following Lots:

Forest: 26, 27, 75, 76, 77;

Lake: 15, 16, 18, 19, 20, 21, 22, 23, 24, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104;

Open Space: 1, 2, 3, 4, 5, 6, 7, 13, 14, 15, 25, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 104, 105, 106, 113;

Wetlands: 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 67, 68, 69, 70, 71, 72, 73, 74, 75.

The term "Properties" is defined to include all property in Indian River Farms Owners' Association including all Lots and Common Areas as delineated on the plats and plans.

## **1. APPLICATION PROCEDURE.**

(a) **General Provisions.** Before commencing the construction, erection or installation of any building, fence, wall, animal pen or shelter, exterior lighting, sign, mailbox or mailbox support, or any improvement or other structure (each of the foregoing being hereinafter referred to as an "Improvement") on any Lot, including any site work in preparation therefore, and before commencing any alteration, enlargement, demolition or removal of an Improvement or any portion thereof in a manner that alters the exterior appearance (including paint color) of the Improvement or of the Lot on which it is situated, each Owner, shall submit to the ARB a completed application on the form provided by the ARB ("Application") a proposed construction schedule and applicable plans and specifications of the proposed construction, erection, installation, alteration, enlargement, demolition or removal.

The ARB shall not be required to review any Application unless and until the Application has been submitted in completed form with the proposed construction schedule and the Application contains all of the required items. The ARB may, in its sole discretion, waive the requirements that any or all of the required items be submitted in a particular case where it determines such items are not necessary to properly evaluate the Application.

Please read the Application carefully to determine the items you will need. A site plan must accompany every Application. You may use a copy of the survey prepared as part of closing on your Lot as a site plan. The alteration you wish to install must be drawn on the site plan and/or survey. Colors, pictures and any information you can provide to

assist the ARB in review of your application is appreciated. The Application will be deferred or disapproved if all required documents, items and/or necessary information for the ARB to review are not provided.

Please note that only the Board of Directors has the authority, in certain special circumstances, to issue variances exempting a particular Lot from any of the provisions of Article VII of the Declaration pursuant to Section 7.1(q) of the Declaration. The Board, in its sole discretion, reserves the right to review all decisions of the ARB and, if appropriate, to amend a decision if the Board determines the ARB's decision would result in a violation of the Governing Documents.

(b) **Appeal Procedures.** An Applicant may appeal an adverse decision of the ARB to the Board of Directors by submitting a request, in writing, to the Association's Manager at least seven (7) days prior to the next regular meeting of the Board. The Board shall review all such appeal requests and may, in its sole discretion, interview the Applicant and/or the ARB to render a decision on the appeal.

## **2. ANTENNAS AND SATELLITE DISHES.**

- (a) Communication or reception antennas less than nine (9) feet in height and satellite dishes or devices not exceeding one meter in diameter shall be permitted and do not require approval of the ARB prior to installation.
- (b) Exterior television antennas in excess of nine (9) feet in height and satellite dishes in excess of one meter are required to be approved by the ARB prior to installation.
- (c) Regardless of the size of the antenna and/or satellite dish, Owners are requested to locate the antenna or satellite dish behind the rear foundation line of the dwelling in an area not visible from neighboring Lots, unless antenna or satellite dish reception requires a different location.
- (d) All antennae and satellite dishes located forward of the rear foundation line of the dwelling should be shielded by landscaping if possible and should be a matching or complimentary color to the siding or trim of the dwelling.
- (e) Installation on any portion of the dwelling is to be avoided unless absolutely necessary for optimal reception.
- (f) No transmitting or receiving equipment or communication devices shall be operated on any Lot that will, in any manner, interfere with standard electronic equipment or radio or television reception.

3. **DRIVEWAYS AND DRIVEWAY EXTENSIONS.** All driveways and driveway extensions require written approval by the ARB prior to installation or construction.

All driveways and driveway extensions shall be hard-surfaced with concrete or exposed aggregate concrete. Service walks may be the same materials as the driveway. The use of any other material shall be subject to the express written approval of the ARB.

No driveway shall be constructed so as to interfere with the normal drainage of the street on which the Lot fronts. The driveway entrance to each Lot shall intersect the public street at a location to be approved by the ARB. No other driveway location will be permitted without the prior written permission of the ARB.

4. **EASEMENTS.** No Improvement shall be constructed within any easement area of any kind without an express written variance from the Board of Directors of the Association, which shall be obtained only upon application to and approval of the requested variance from the ARB. The Board reserves the right to deny a requested variance even though approved by the ARB. Prior written approval to encroach in an easement of record by the City of Virginia Beach must be included in the Application before the Application will be deemed complete and ready for ARB review.

5. **EXTERIOR COLORS.** All exterior colors must match the original color scheme of the dwelling. Any exterior color change requires written approval by the ARB.

6. **EXTERIOR LIGHTING.** Lighting which is part of the original structure shall not be altered without ARB approval. Any light fixtures proposed to replace the original fixture(s) must be compatible in style and scale with the dwelling. No exterior lighting shall be directed outside the Owner's Lot.

7. **FENCES, WALLS and SIMILAR STRUCTURES.** Fences, walls and similar structures, including trellises, require prior written approval of the ARB prior to construction or installation. The following guidelines shall apply to all such structures:

(a) **Materials and Color.**

- (i) Wooden and white vinyl fences shall be permitted on any Lot. All wood members are to be pressure-treated pine or cedar and left natural or with a clear preservative. No paint or non-opaque colored stain shall be applied to any wooden fence/wall. Natural, wood stains are permitted.
- (ii) Chain link fences and similar fences are prohibited.
- (iii) Temporary fences, such as those customarily associated with the building of new structures (e.g., pools) may be exempt from the provisions of this section as approved by the ARB.

(b) Style.

- (i) **Wooden fences.** Wooden fences may be either "sunset", "sunrise", "single board dog ear", or "three board dog ear" style.
- (ii) **Vinyl fences.** White vinyl fences must be privacy style (single board straight panels) only. No top cap style fences are allowed.
- (iii) **Picket fences.** Picket fences are permitted only on Lake, Open Space, Wetlands or Forest Lots but may only be located on the rear property line of the Lot.
- (iv) **Lattice panels are prohibited on any wooden, vinyl or picket fence and/or walls of any composition.**
- (v) **Decorative caps are permitted but must be approved by the ARB.** The preferred decorative cap styles are American Gothic, Freedom Beveled and Marine Ornamental.

(c) Height Restrictions.

- (i) **Non-corner Lots.** All wooden and vinyl fences and/or walls shall not exceed six (6) feet in height as measured from the ground.
- (ii) **Corner Lots.** All corner Lots shall have four (4) feet maximum fences along the street corners.
- (iii) **Forest, Open Space and/or Wetlands Lots.** Fences on Forest, Open Space and/or Wetlands Lots shall be no more than six (6) feet in height along the Forest, Open Space or Wetlands. The fence, if less than six (6) feet, may incline eight (8) feet into a six (6) feet standard fence for the remainder of the yard if the Lot Owner wishes to have a six (6) foot fence.

**Fences on the rear property line of Lake, Open Space, Wetlands or Forest Lots may be picket.**

- (iv) **Lake Lots:** Fences on Lake Lots shall be no more than four (4) feet in height along the lake. The fence may incline eight (8) feet into a six (6) feet standard fence for the remainder of the yard of the Lot Owner wishes to have a six (6) foot fence.

(d) Lot Placement.

- (i) **Non-corner Lots.** No wooden or vinyl fence shall extend in front of a point ten (10) feet to the rear of the front foundation line of the

residence constructed on any Lot. The front foundation line of the residence begins at the actual foundation of the dwelling, not the entry sidewalk or staircase.

- (ii) **Corner Lots.** No wooden or vinyl fence shall extend beyond the side building line of the residence toward the right-of-way which is located beside such Lot.
  - (iii) **Lake Lots.** No fence and/or wall shall be erected in the easement parallel to the residence within twenty (20) feet from the top of the bank towards the residence.
  - (iv) Any fence, wall, tree, hedge or shrub planting shall be erected or maintained in such a manner so as not to obstruct sight lines for vehicular traffic or easements.
  - (v) Fence location must comply with all easements of record as such easements appear on the individual Lot survey or any plat of record in the Deeds Records office of the City of Virginia Beach. A permit to encroach any easement of record is required from the City of Virginia Beach and must be included in the Architectural Application before the Application will be considered complete and reviewed by the ARB.
- (e) **Fence Landscaping.**
- (i) Any fence or portion thereof which is basically parallel to and fronting on a public right-of-way shall have shrubs planted along and adjacent to the side of the fence facing the right-of-way.
  - (ii) The shrubs shall be spaced no more than four (4) feet apart with a minimum height at planting of three (3) feet and reaching an ultimate height equal to the height of the fence. Owners are cautioned that additional City of Virginia Beach requirements apply with which Owners must comply.
- (f) **Rail/Stringer Placement.** All wooden and vinyl fences which are basically parallel to and fronting a public right-of-way, open space, Wetlands, forest or lake shall be constructed with the supporting rails and/or stringers facing from the right-of-way, open space, Wetlands, forest or lake.
- (g) **Permits.** All required permits and/or work requests must be submitted with the Application before the Application will be considered complete.

8. **FLAGS.** Owners may display up to two (2) flags per Lot provided it is displayed on a bracket mounted on the front of the dwelling. Flags may include:

- (a) The flag of the United States, the Commonwealth, any active branch of the armed forces of the United States or any military valor or service award of the United States; and
- (b) A "decorative" flag.

Flags of a political nature are prohibited (see the Indian River Farms Owners' Association Rules and Regulations regarding SIGNS). **Freestanding flag poles are permitted in the rear yard only; placement in any front and/or side yard is prohibited.**

9. **FOUNDATIONS AND EXTERIORS.** The following Guidelines shall strictly apply unless otherwise approved, in writing, by the ARB:

- (a) Residences shall be constructed on a crawl space.
- (b) No outside stairway leading to the second story or above the residence, which can be viewed from the street, shall be permitted for any residence or structure without the prior written consent of the ARB.
- (c) Exterior materials on all building elevations shall be brick, masonry, wood, stucco or vinyl, unless otherwise specifically approved in writing by the ARB prior to the commencement of construction.
- (d) No storage tank or container shall be installed, placed or maintained above the ground on any Lot without the prior written consent of the ARB.
- (e) All plumbing and roof stacks shall be to the rear of the ridgeline on any building.
- (f) All mechanical equipment servicing any structure shall be located in the rear of the residence or screened by fencing or landscaping that conforms to, and is compatible with, the Improvements and/or landscaping on the Lot and which prevents visibility of such equipment from neighboring streets and Lots.
- (g) Roofing shingles on any structure on the Lot shall be architectural grade or equal and must match existing shingles.

10. **GRADING AND DRAINAGE.** All grading and drainage must be completed and maintained in accordance with the plats and plans for Indian River Farms as approved by the City of Virginia Beach.

**11. IRRIGATION.** No sprinkler or irrigation system of any type which creates a drainage problem or which draws upon water from a lake or other surface waters (creeks, streams, rivers, ponds, wetlands, canals or other ground or surface waters) within the Properties shall be installed, constructed or operated within the Properties without prior written approval of the ARB.

**If approved, ARB approvals will be expressly conditioned on the requirement that the water shall be of sufficient quality so as not to discolor any of the constructed environment, including, without limitation, sidewalks, streets, fences and vegetation. Any discoloration shall be treated and removed at the Owner's expense.**

**12. KENNELS/DOG RUNS.** Kennels, dog runs and doghouses require an Application prior to installation. All such structures shall be located behind the rear foundation line of the dwelling and, if constructed of fencing material, such material shall be vinyl-coated and shall be of black, forest green or other natural color.

**13. LANDSCAPING.**

(a) Required Landscaping.

- (i) Continuous foundation planting and/or beds shall be required on any side of the residence that faces a public right-of-way and may be broken only by lateral walks and drives.
- (ii) Owners are required to comply with City of Virginia Beach fence and wall landscaping requirements and with all Indian River Farms Landscaping Plan requirements. Any fence or portion thereof which is parallel to and fronting on a public right-of-way shall have shrubs planted along and adjacent to the side of the fence facing the right-of-way. See FENCES for additional requirements.
- (iii) Unless limited by City of Virginia Beach ordinances, every Lot is required to have a minimum of one (1), 2.5 inch (2 1/2") caliper (measured six feet (6') above the ground) tree planted within the front yard.
- (iv) Sod or seeding shall be installed on the front, side and rear yards of any Lot. The entire front and back yards must be seeded, graded and fertilized to produce a finished lawn.

(b) Statuary.

- (i) No two (2) or three (3) dimensional statues, ornaments, birdbaths, or other garden statuary or landscape treatment in excess of three feet (3') in height and two feet (2') in width shall be installed or



maintained on a Lot so that it is visible from a public right-of-way without ARB approval.

- (ii) Exception. Temporary ornamentation which is customarily associated with accepted holidays is allowed in accordance with the Indian River Owners' Association Rules and Regulations, HOLIDAY DECORATIONS.
- (iii) No artificial foliage shall be permitted in any front and/or side yard, nor in the rear yard in a location visible from the ground level location of any neighboring Lot.
- (c) Sightline. No tree, hedge, shrub or other landscape feature shall be planted or maintained in a location which obstructs sightlines or creates a traffic problem for vehicular traffic on streets.
- (d) Placement Guidelines. Pavement, paving stones, edging and curbing material, plantings and other landscape materials shall not be placed or permitted to remain upon any Lot:
  - (i) If such materials may damage or interfere with any easement for the installation or maintenance of utilities;
  - (ii) In violation of any easement requirements or so as to invade any maintenance easements;
  - (iii) Unless in conformity with public utility standards; and/or
  - (iv) If such materials may unreasonably change, obstruct or retard direction or flow of any drainage channels.
- (e) Lake ("BMP") Maintenance Easement Landscaping. No landscaping of any kind, including cutting of grass and removal of natural fauna, shall take place from the top of the Lake bank(s) towards the center of any Lake.

**14. MAILBOXES AND MAILBOX POSTS.** Mailbox and mailbox post installation and replacement must be the same type and style as the original and must be approved by the ARB. Mailboxes shall be constructed of black aluminum material. Mailboxes shall be mounted on a black cast-aluminum horse head post located on or near the property line in accordance with United States Postal Service specifications for location. Please contact the ARB or the Association's Manager to obtain style specifications.

Two boxes for adjacent Lots may be mounted on the same post. All boxes shall have the house number affixed on the box. The mailbox and mailbox post are the financial responsibility of the Owner and may be ordered from:

Curb Appeal  
111 Old Coach Road  
Chesapeake, VA 23322  
757-482-2626

or

Mailboxes By Design  
6184st Route 132  
Goshen, OH 45122  
513-625-1409  
www.mbbdinc.com.

**15. MODULAR HOUSING.** No modular or similar construction systems shall be permitted on any Lot. Pre-assembled or manufactured roof, floor trusses and/or wall panels shall be permitted.

**16. OUTBUILDINGS.** The construction of any and all outbuildings, including but not limited to detached garages, deck and sheds (collectively, "structure"), must be approved in writing by the ARB and shall comply with the following:

- (a) The structure shall be designed and constructed to reflect the style, exterior materials, roof, materials, colors and trim of the main dwelling.
- (b) The structure must be constructed on a permanent foundation with a floor fabricated of concrete, wood or similar material.
- (c) The ARB Application must include a detailed plan specifying the proposed structure, Lot placement, dimensions and the materials to be used. A sketch of the completed structure is also necessary.
- (d) Sheds and storage structures shall be no larger than either 12 x 12 or 10 x 14 and may be eight (8) feet in height but shall not exceed eleven (11) feet at its peak.
- (e) All additions or modifications of any nature whatsoever shall be constructed in a workmanlike manner so as to pass without objection in the trade.

**17. OUTDOOR HEAT SOURCES.** All outdoor heat sources, including, but not limited to, in-ground fire pits, chimineas, fire bowls and outdoor fireplaces, require ARB approval prior to installation. All in-ground fire pits shall be ringed with a perimeter material such as stone or brick, shall be located no closer than fifteen (15) feet from the dwelling and shall be covered with a mesh covering. Chimineas shall be no more than twelve (12) inches in diameter at the height of the spout. Fire bowls and outdoor

fireplaces shall be covered with mesh covering. All outdoor heat sources shall be extinguished by 11:00 PM.

Owners are cautioned that City of Virginia Beach permit requirements apply to fire pits in excess of three (3) feet in diameter and that such permit must be included in the Application before the Application will be deemed complete and ready for ARB review.

**18. PERMITS.** The City of Virginia Beach requires that a permit be obtained prior to beginning construction of most exterior modifications. All required permits must be included with the Architectural Application before the Application will be considered complete and eligible for review by the ARB.

**19. PODS.** PODS may be stored on the paved portion of any Lot for a period of sixteen (16) days without prior written approval of the ARB in accordance with the Municipal Code of the City of Virginia Beach. All such storage shall require written approval of the ARB for periods in excess of that time. Owners are cautioned that City of Virginia Beach permit requirements also apply.

**20. POOLS.** In-ground swimming pools shall be the only pools allowed within Indian River Farms Owners' Association. **Above ground swimming pools are prohibited.** All in-ground swimming pools must be approved in writing by the ARB before installation.

**21. RECREATIONAL EQUIPMENT.**

- (a) Permanent Athletic Equipment. No permanent athletic equipment including, but not limited to, swing sets, play forts, trampolines, baseball cages, basketball hoops or backboards, shall be permitted on any Lot without the approval of the ARB.
  - (i) Permanent recreational equipment shall not be permitted to be placed in any front or side yard, nor shall any such equipment be attached to the front or sides of any residence.
- (b) Portable Athletic Equipment. Portable, free standing, athletic equipment may be erected on a temporary basis, **must be taken down after completion of any activity**, and shall be stored inside a privacy fence, shed, garage or other unobtrusive area.
- (c) Storage. All bicycles, tricycles, scooters, skateboards, and other play equipment, wading pools, sand boxes, picnic tables, baby strollers, and similar items shall be stored so as not to be visible from streets and from the ground level of neighboring Lots when not in use.

**When not in use, wading pools should be emptied immediately for children's safety.**

- (d) **Use.** Portable basketball goals, as well as any other play equipment, should not be used in a manner that will interfere with the street right of way or vehicular traffic.
- 22. ROOF.** The pitch of the main structure's roof must be no less than 6/12 provided that porches, breezeways, dormers and other protrusions may have a roof pitch less than 6/12.
- 23. SIGNS.** See the Indian River Farms Owners' Association Rules and Regulations.
- 24. SIZE.** The size of any residence constructed on any Lot shall be as follows:
- (a) One story residences shall contain at least 1700 square feet of living area and two story residences shall contain at least 2000 square feet of living area. The calculation of living area shall be the heated floor area and shall be exclusive of porches, breezeways, basements and garages whether detached or attached.
  - (b) All residences shall have a minimum of a two-car garage, with the exception of the Association's original Model Home and those dwellings approved by the Declarant to be constructed with a one and one-half sized garage. Should the entire dwelling require replacement, the replacement dwelling shall have a minimum of a two-car garage.
  - (c) Each Lot site plan will provide for a minimum positive drainage of 1.0%.
  - (d) All building setbacks shall conform to the Zoning Ordinance of the City of Virginia Beach.
- 25. SOLAR PANELS.** Solar panels are to be approved in writing by the ARB prior to installation. Solar panels must lie flat to the roof and preferred placement is on the rear roof of the dwelling.
- 26. STORM WATER MANAGEMENT FACILITIES.** See LAKES AND WATERBODIES in the Indian River Farms Owners' Association Rules and Regulations.
- 27. SUNROOMS/SCREENED PORCHES.** Sunrooms, screened porches and similar additions require written approval of the ARB prior to installation. Unless otherwise approved by the ARB, the exterior finish shall match the dwelling in all aspects. The siding must be the same in color, pattern and form as the siding on the dwelling, the trim must be painted the same as the trim on the dwelling (or left natural), and the roof must be the same material and color as the roof on the dwelling. Foundation skirting must be the same type as that on the existing dwelling.

**28. TEMPORARY STRUCTURES.** No structure of a temporary character such as a trailer, tent, shack, garage, barn, pen, kennel, run, stable, shed or other temporary accessory buildings intended for permanent or semi-permanent use shall be erected, used or maintained on any Lot except as approved by the ARB.

**29. TREE REMOVAL.** Healthy and/or live trees shall not be removed from any Lot unless such removal is approved by the ARB. Although most Improvements may not justify the removal of healthy and/or live trees, in some instances, such as a tree that is a threat to a dwelling by falling or a tree that is a threat to safety, removal may be justified. Please contact the Association's Manager immediately for further instructions. Edging around trees other than bricks, heavy duty plastic and metal, stones, slate, wood and so on, requires approval from the ARB. Street trees are the maintenance and replacement responsibility of the Lot Owner.

**30. UTILITIES AND FUEL TANKS.**

- (a) Fuel and Oil Tanks. All fuel and oil tanks shall be buried below the surface of the ground and no exposed storage barrel or tank of any nature shall be permitted on the subject Lot except as may be approved in writing by the ARB.
- (b) Utilities. All facilities, including pipes, poles or wires of any description intended or utilized for the transmission, conveyance and/or reception of water, sewer, electricity, telephone, cable television and the like shall be placed or maintained below the surface of the ground on any Lot, except transformers or other similar apparatus installed by public and private utility companies as authorized by the City of Virginia Beach.

**31. WETLANDS.** Only Improvements permitted by the City of Virginia Beach shall be constructed, erected or installed within the wetlands buffer designated by the City of Virginia Beach. Permitted activities within the buffer area are defined by the City of Virginia Beach in its municipal ordinance and Owners shall fully comply with the ordinance.

**32. WINDOWS, EXTERIOR DOORS AND STORM DOORS.**

- (a) Installation of windows, doors and storm doors requires prior written approval of the ARB.
- (b) All windows, exterior front/side doors and all aluminum all-seasons full length glass storm doors shall match, accent or be compatible with those of the existing dwelling in style and color.

- (c) Aluminum all-seasons full length glass storm doors shall be:
  - (i) Decorative (glass with brass decoration or etched V-groove designs);
  - (ii) Full view (doors designed with plain door length panes of glass); or
  - (iii) Full glass ventilating (feature glass on top and bottom with insect screen on top).
- (d) All side garage storm doors shall be half glass ventilating doors.
- (e) No residences shall install Security/Storm steel doors without prior written approval of the ARB.

**33. WINDOW-STYLE AIR CONDITIONING UNITS.** Window-style air conditioning units require ARB approval prior to installation and must serve a special circumstance to receive approval. The preferred location for such units is the side and/or rear of the dwelling. Front window installation is the least preferred location for such a unit. The unit must be covered and the cover's color much match the trim of the dwelling.

**REMEMBER:**

***Additions or Improvements to the exterior of your dwelling in general require ARB approval, such as pools, sunrooms, screened porches, decks, patios, fences, the addition or extension of landscaping beds, irrigation system installation and so on. Major Improvements to the interior of the dwelling that change the exterior appearance of the dwelling also require ARB approval.***