

**CONSTRUCTION MAINTENANCE PROCEDURES  
AQUIA HARBOUR  
STAFFORD, VIRGINIA**

**PART 1**

Effective Date:	November, 1978
First Revision:	December, 1979
Second Revision:	May, 1982
Third Revision:	November, 1982
Fourth Revision:	September, 1986
Fifth Revision ACC:	November 18, 1987
Fifth Revision BOD:	November 24, 1987
Sixth Revision BOD:	May 23, 1989
Seventh Revision BOD	January 22, 1991
Eighth Revision BOD	October 23, 1991
Ninth Revision ACC	April 17, 1991
Tenth Revision ACC/BOD	May 26, 1992 Pool, Propane
Eleventh Revision ACC/BOD	June 30, 1992 Fee to \$1,000.00
Twelfth Revision ACC	August 12, 1992 Fences, Walls and Hedges (Section 28-12, II-2: 3 ft to 4 ft; 7 ft to 6 ft)
Thirteenth Revision ACC/BOD	October 27, 1992 Rescission of subdivided lots prohibition (Foreword)
Fourteenth Revision ACC/BOD	November 24, 1992 Addition of pipestem prohibition (Foreword) & allowance for metal ornamental fences in front yards (I-6, 4i)
Fifteenth Revision ACC/BOD	September 8, 1993 Change title to Construction Maintenance Procedures and to specify ditch maintenance responsibility
Sixteenth Revision ACC	September 26, 1994 Change requirements to headwalls
Seventeenth Revision ACC/BOD	June 30, 1996-Fee to \$2,000.00

Eighteenth Revision ACC/BOD	December 4, 2001 Building fee (section 3d). Addition of additional reapplication fee requirements until construction is completed. Signs (section 10). Rewritten so that review of applications and approvals for signs handled by AHPOA Business Office. For information on other minor changes, see ACC files.
Nineteenth Revision ACC/BOD	January 22, 2002 Code Violation Officer, or his representative, granted permission to enter properties. Building fee (section 3d), reissued permit after fee of \$1,000 paid made valid for six months only before new request has to be submitted. Retaining walls (section 4i). Addition of Department Environmental Quality.
Twentieth Revision BOD	March 27, 2003 – Building fee increase from \$2,000 to \$3,000, effective April 1, 2003.
Twenty-first Revision ACC	December 16, 2004 – Procedures apply to all property owners, contractors and the AHPOA. Entrance ways/ culvert pipes/ ditches (section 4 g). All culvert pipes will be made of double wall plastic.
Twenty-second Revision ACC	March 31, 2005 – All fences to be constructed face out. Fencing (section 4 h).
Twenty-third Revision BOD	January 26, 2006 – Building fee increase from \$3,000 to \$10,000 effective, April 1, 2006. \$5,000 refundable building bond imposed, effective April 1, 2006.
Twenty-fourth Revision ACC	February 22, 2007 – ACC approval required for temporary storage containers (section 11), effective March 1, 2007.
Twenty-fifth Revision ACC	August 24, 2011 – ACC may waive building fee for replacement houses (section 3(g)).

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## FOREWORD

The Architectural Control Committee (ACC) is appointed pursuant to paragraph 2b of the current Restrictions and Covenants for the Aquia Harbour Subdivision and is specifically charged with the responsibilities of assuring compliance with the provisions of the Restrictions and Covenants as they may apply to all new construction.

The Code Violation Officer (CVO) will monitor new construction, additions, and exterior alterations within the Aquia Harbour Subdivision. In the performance of his or her duties, the CVO is responsible for visiting all sites on which construction is in progress. Violation of the Aquia Harbour Subdivision Restrictive Covenants and/or Aquia Harbour Construction Procedures will be reported, in writing, to the General Manager. In response, the General Manager or Code Violation Officer will initiate the necessary letter apprising the contractor/owner of the Violation. The CVO, or his representative, is permitted to enter properties for purposes above by agreement of owners, contractor or others as part of the AHPOA construction permit issuance.

The ACC is not responsible for any plans or contract agreements between parties building within Aquia Harbour. The CVO in cooperation with the ACC will monitor the construction site during the construction period to ensure that the building or structures being erected meet all requirements as indicated by plans submitted to the Committee for approval.

In addition to routine observation, the CVO shall each month visit each site on which a new house is under construction and record the findings. An individual written report will be prepared for each house. The report will reflect the stage of completion; violations, if any, identified during the visit; violations, if any, pending corrective action or referred to the Legal Compliance Committee and/or BOD; and any additional information that should be brought to the attention of the ACC. The signed and dated report will be forwarded to the ACC via the General Manager. The General Manager will ensure that the report is available for the next ACC meeting.

The ACC will meet each Wednesday afternoon at 4:00 P.M. to review all plans received during the period since the previous meeting. A final decision will be made during this meeting on all plans on hand, unless additional information is required. Interested parties and residents of Aquia Harbour are invited to be present during this meeting. Paragraph 2(d) of the Restrictions Aquia Harbour Subdivision, allows thirty (30) days to act on any submitted plans.

Contractors building houses in Aquia Harbour shall, from the onset, inform prospective buyers that all property owners in Aquia Harbour are subject to all existing Restrictions and Covenants which form a part of all Aquia Harbour deeds, all Stafford County Zoning Ordinances and all of the procedures incorporated in these Construction Procedures as may be related to out-buildings, fences, landscaping, signs, upkeep of property, animal and livestock, utility easements and all the By-Laws, Regulations and resolutions promulgated by the Aquia Harbour Property Owners Association (AHPOA).

These Construction Maintenance Procedures shall apply to all property owners, all contractors working on property within Aquia Harbour and the AHPOA and its maintenance staff working on AHPOA property.

**PART 1**  
**CONSTRUCTION MAINTENANCE PROCEDURES, AQUIA HARBOUR**

**1. Application for Building**

Persons desiring to build any structure or improvement whatsoever to be erected on or moved upon any lot within the Aquia Harbour Subdivision shall:

- a. Submit an "Application for Construction Approval" and two sets of detailed plans with specifications showing the proposed location thereof on any lot or lots, the construction material, the roofs and exterior color schemes. Any later changes or additions thereto on any lot shall be subject to and shall require the approval of the ACC in writing before any such work is commenced.
- b. Certify on the face of both sets of house plans and on the copy of the "Application for Construction Approval", that the house to be erected is not an adjacent look-alike.
  - (1) Groups of homes that are of identical or near-identical physical exterior lack the diversity of individual aesthetic values that are required to meet the harmony of the Aquia Harbour environment.
  - (2) To prevent more than two homes built to the same exact style or plan from being constructed within the same general view.
- c. An Application for Construction Approval will not be considered by the Architectural Control Committee (ACC) unless that portion under "Certificate", which requires signature by the prospective resident, is actually signed by the prospective resident. In the event there is no prospective resident, the certification may be signed by the Builder.
- d. All applications for exterior construction or remodeling that requires County approval must be accompanied by an approved Stafford County Building Permit. All applications impacting on waterways and/or wetlands, will be accompanied by permits from the County Wetlands Board and Army Corps of Engineers. In some cases, those agencies will provide a statement to the effect of "No Permit is Required."
- e. During construction the CVO, or his representative, is granted permission to enter the subject property for purposes related to him/her performing job related activities.

**2. ACC Review - Approval or Denial**

Upon completion of the review, the applicant will be notified of the ACC decision by separate correspondence. If approved, the approval will be signed on both sets of plans; one set of plans will be remitted to the applicant and one set will be retained by the Aquia Harbour Property Owners Association. Should a contractor or property owner commence construction on a new house, addition, or exterior improvement without the prior approval of the ACC this act in itself shall be sufficient grounds for denial of the "Application for Construction Approval". Matters that are relative to the unauthorized commencement of construction within the Aquia Harbour Subdivision will be referred to the Legal Compliance Committee (LCC) for resolution.

### 3. Building Fee

Each proposed contractor shall be assessed, against each lot in the Aquia Harbour Subdivision on which a single family residence is to be constructed, a one-time building fee of \$10,000, and a building bond of \$5,000.

- a. Such building fee and bond shall become due and payable in cash or separate checks at the time the building plans and site plan of the lot on which the residence is to be constructed are submitted to the ACC.
- b. Until such time as the contractor assessments hereby imposed are paid in full, there shall be no construction of the aforesaid single family residence on the lot in question, nor may site work commence.
- c. Site plans submitted to the ACC will not be approved until the building fee and bond are paid in full.
- d. Construction permits are normally granted for a period of six months. Under unusual circumstances, an extension of up to six months may be granted. If construction is not completed by that time, the applicant will be required to submit a new application, with a time duration of six months, with a reissue fee of \$1,000. At the end of this period, if construction is not yet completed, a new request and building fee will be required, with the same time constraints as set forth earlier in this paragraph.
- e. Should a Builder or Owner sell the lot during the period in which the Building Permit is still in effect, the new Owner/Builder may assume the permit providing the original plans are adhered to. Should there be a revision of plans, a new permit will be required. Should the permit have expired at the time of sale, the permit will not be transferable and a new application and building fee will be required.
- f. When it has been determined that construction has been completed (see 4 (b) below) that portion of the bond money remaining will be refunded to the payee.
- g. Should an existing home become a total loss due to fire, a natural disaster, or some other indeterminate event, and should the lot owner, or subsequent lot owner, apply for a building permit to replace the dwelling on approximately the same footprint, the building fee may be waived by the ACC. Any major change to the footprint could result in the instatement of the building fee.

### 4. Construction Compliance

All new home construction within Aquia Harbour Subdivision must comply with Stafford County Ordinance now in effect or as amended from time to time, as they pertain to private property development and must meet or exceed all of the following criteria established for Aquia Harbour, which may be more restrictive than Stafford County's requirements:

- a. Landscaping Plan

- (1) A landscaping plan in two copies must accompany the Application for Construction Approval.

- (2) The basis for the Landscaping Plan will be the site plan or a reproduction of same and will show:
  - (a) Location of the building.
  - (b) Outlined in red ink, those portions of the lot where land disturbing activities will take place. "Land disturbing activities" is defined in paragraph 5, Construction Procedures Aquia Harbour.
  - (c) Outlined in green ink, those areas where land disturbing activities will not take place.
  - (d) With appropriate symbols, the grading plan of the lot to show fill excavation. This may be accomplished by the use of contour lines and a narrative.
  - (e) Details on measures to be taken to control erosion and/or water flow. The statement "Erosion control as necessary" will not be acceptable.
  - (f) Show any other measure to be taken to restore the lot to a status consistent with a community of wooded lots.
- (3) The Landscaping Plan will either be drawn to scale with the scale indicated, or, distances indicated from boundaries. Size of plantings need not be drawn to scale. Distance from buildings to lot boundaries will be shown.

b. Construction Completion

- (1) All building exteriors must be completed within six months from the date the construction commences.
- (2) The building period commences when excavation is begun or when building materials are delivered, whichever occurs first.
- (3) The building is not considered as being completed by the ACC until final grade and headwalls have been installed.
- (4) When a residence constructed on any lot, excluding headwalls, has been substantially completed (90%) and no suit or complaint has been filed with the purpose of enjoining the construction therefore or seeking the enforcement of Restrictions and Covenants, AHPOA, By-Laws, Construction Maintenance Procedures, or any other regulation pertaining to Construction Procedures or changing the appearance of lots within the Aquia Harbour Association, then it shall be conclusively presumed that such residence has been constructed in compliance with all provisions pertaining to construction or lot appearance changes.

c. Where Building is in Progress

- (1) During construction, builder must contain unusable building materials, general trash and debris on each building site, in an orderly manner and under control at all times.
- (2) Under no condition shall trash and debris be moved from one building site to another.

d. Construction Equipment and Vehicles

- (1) Tracked vehicles of any type are prohibited on all paved road surfaces, to include the unloading/loading of such vehicles from/onto flat bed equipment on the paved road surface, at the construction site.
- (2) To help preclude damage to road surfaces, earth which is inadvertently transported from the construction site onto the roadways by the wheels or attachments of construction equipment and vehicles shall be immediately removed.
- (3) Failure to comply with the proper cleaning of roadways will force the AHPOA to have this accomplished and all costs billed to the contractor/owner.

e. Space Devoted to Living Purpose

- (1) Space devoted to living purposes shall be:
  - (a) Measured on the perimeter of the exterior walls;
  - (b) Exclusive of roofed porches, terraces, garages, carports, and other outside buildings and unfinished basements.
- (2) Ranch or One Story House  
A minimum of 1,200 square feet of living space
- (3) Multi-story Houses shall have a minimum of 1,600 square feet of living space distributed among all floors in such a way that the finished structure shall be aesthetically compatible with adjoining homes in the immediate and adjacent area.

f. Roof Pitch

A minimum pitch of 4 inches to the foot is required, and deviations must be approved by the ACC (e.g. roofline for a Spanish decor design).

g. Entrance Ways/Culvert Pipe/Ditches (Illustrations, Page 1-12 & 1-13).

- (1) All entrance ways from the main roadway, as may be required by the ACC, will have culvert pipe with headwalls: headwalls shall consist of approved suitable building materials:
  - (a) Suitable materials: Headwalls will be constructed of either concrete or pressure treated 6 X 6 lumber. All culvert pipes will be made of double wall plastic. If different materials are desired a waiver must be granted by the ACC.
  - (b) Construction: Headwalls will be stabilized with deadmen or braces of the same type of material as above. Headwalls will extend a minimum of 5 1/2 inches below the bottom of the culvert pipe and at least to the top of the ditchline.
  - (c) The "Application for Construction Approval" shall describe the dimensions and building materials to be used in the construction of the headwalls, and the site plan shall show the location of the proposed headwalls, as required by the ACC.
  - (d) Pipe size is specified according to the lot number and the specific size submitted will be verified upon approval of plans by the ACC.

- (e) Head walls shall be installed during the first grading operation and the driveway shall be maintained as a gravel surface to keep the road clean.
- (2) Any portion of the concrete or blacktop driveway extending to the main roadway or easement could be subject to damage during road maintenance or snow plowing. Should this occur, repair will be the responsibility of the contractor/owner.
- (3) The driveway surface at ditch line must be at least level or slightly below the road surface.
- (4) Culverts extending along the entire front of the lot:
  - (a) Must be approved by the ACC.
  - (b) Grading of the lot to the road must be at least two inches below road surface at the road ditch line.
- (5) Responsibility for maintaining and cleaning of culverts to ensure proper drainage is the resident's sole responsibility.
- (6) Any road damage due to storm overflow due to culvert blockage will be charged to the property owner.
- (7) An addendum (see 1-15 for example of same) must be signed by the property owner.
- (8) Property owners are responsible for keeping ditches, adjacent to their property, cleared of excess growth, leaves and debris, so that ditches are open and clear to allow water runoff to flow uninterrupted thereby preventing the runoff from causing damage to adjacent Association roads.

h. Fencing

- (1) Fences that are limited to that portion of the property behind a line parallel with the front of the house may be of any construction not in excess of six feet in height or as otherwise restricted by Stafford County Codes. All fences shall be constructed face out unless a waiver is granted by the ACC.
- (2) Fences that extend in front of a line parallel with the front of the house must be limited to those of open construction and be of wood or painted ornamental metal, no more than 4 feet high. Open construction is defined herein as a fence which can be sighted through from any angle of view. Under no circumstances shall chain link fencing be allowed for installation in front yards.

i. Retaining Walls

- (1) Retaining walls along Aquia Creek or dredged channels tributary to Aquia Creek shall be constructed of adequate materials and located along the channel bank within the normal high and low tide limits.
- (2) Plans for such construction shall be submitted for approval to the ACC before construction begins, together with a permit for the same from the Army Corps of

Engineers, the County Wetlands Board, and the Virginia Marine Resources Commission and Department of Environmental Quality.

j. Boat Docks

- (1) No docks or piers or mooring shall be constructed to extend into the canal or waterway so as to obstruct more than 20 feet of said waterway when a boat is fastened to the pier or dock.
- (2) A clear channel of at least 30 feet in width with a depth of 4 feet at mean low water level must be maintained for purposes of safe navigation.
- (3) Shall be constructed in compliance with the regulations of the Army Corps of Engineers governing applications for the issuance of permits for such structures.
- (4) The property line of the lot must be within the mean high and low tide limits. If the property line falls on AHPOA common area property, permission must be obtained from the AHPOA before constructing a dock.
- (5) Any piers extending into the navigable waters of Aquia Harbour, will be the floating dock type. The owner will cause to have at the end of the pier and at each 20 foot increment toward the shore, a warning red light visible within 360 degrees. The light(s) will be on from sunset to sunrise and at other times where visibility is less than one-quarter mile when so declared by the local NOAA radio weather station or any Coast Guard marine forecast. This is not applicable to the Aquia Harbour or any other subsequently constructed marina amenity within Aquia Harbour.

k. Pools

Any above-ground, or in-ground pool and hot tub with water depth greater than 24 inches, placed within the Aquia Harbour area must be properly safeguarded so as to prevent harm to an individual who might wander into the pool area. The requirements for pool safety measures are the same as for Stafford County. The county requirements can be obtained from the county courthouse.

## **5. Soil Erosion And Sedimentation Control**

The topography in Aquia Harbour varies from flood plains contiguous to the Aquia Harbour Creek to area of steep slopes running up to the Aquia Creek watershed divide. This requires activities to conserve existing ground cover and trees. By a Board of Directors resolution passed in December, 1977, all land disturbing activity related to house construction in Aquia Harbour must be done in accordance with the Stafford County Soil and Erosion and Sedimentation Ordinance. Where significant grading and clearing operations are planned for any house construction, an erosion and sedimentation control plan must be submitted to the ACC as defined in the ordinance: "Land disturbing activity shall mean any land change which may result in soil erosion from water or wind and the involvement of sediments into Stafford County waters or onto land in the County, including, but not limited to, clearing, grading, excavating, transporting, and filling of land."

- a. Certain Aquia Harbour lots in the low lying portions of Aquia Creek and Austin Run may be subject to flooding.

- b. The following requirements of Stafford County for developing and building upon lots in the Aquia Harbour floodway area:
  - (1) The Developer build a berm on all lots for which he currently holds title.
  - (2) The berm built by the developer be done in segments which are to be approved by the Community Development Department.
  - (3) The Developer provide fill material for those lots which have already been sold.
  - (4) The Developer notify current lot owners of lot development requirements.
  - (5) The Developer advise all potential buyers of the development requirements prior to sale.
  - (6) The grading plans and compaction certifications be submitted prior to the issuance of building permits.
  - (7) The site work required by the approved plan be accomplished prior to the issuance of building permits.
  - (8) The Developer provide a bond or other appropriate guarantee to ensure the completion of the improvements on his lots and the common improvements such as culverts, etc.
  
- c. The current lot owners must notify any potential purchaser of the possible flood hazard and the development requirements.

## **6. Propane Tanks**

In-ground and above ground propane tanks can only be installed in compliance with Stafford County Ordinances. Tank spacing, depth, and set backs from buildings and property lines are dependent upon tank capacity. Check Stafford County Ordinances before submitting requests for tank installation to the ACC. Such requests to the ACC must certify that the tank installation complies with applicable Stafford County Ordinances and must be accompanied by an approved Stafford County Permit by size. Where possible in the interest of safety, it is recommended that the tank be installed as far from the house as practicable.

## **7. Subdivision of Lots**

Requests for the subdivision of lots for the purpose of constructing more than one house on a lot shall be approved provided such subdivision conforms to the Restrictions and Covenants of the Association and extant Stafford County Ordinances with respect to minimum lot size (width, depth, and density per gross acre). However, pipestem lots are not allowed. A pipestem lot is a lot which does not abut, other than by its driveway which affords access to the lot, Association owned property on which lies a duly platted roadway.

## **8. Setbacks**

Paragraph 3(c) of the Restrictions and Covenants state that no porch or projection on any part of any building shall extend nearer than forty (40) feet to any private roadway rights-of-way, or nearer than ten (10) feet to the property line of any abutting property owner, nor within fifty (50) feet from the mean high water line of Aquia Creek.

Per section 3, subsection c, of the Restrictions and Covenants of the AHPOA, the ACC agrees that steps that do not extend more than 10 feet from the front of a house or porch will not be considered projections for determining setback compliance.

## 9. Variances

Variances to the above procedures may be granted under special circumstances – examples are exceptions to setback requirements or erecting a fence or shed on AHPOA property. A variance request must be submitted to the ACC. In some cases, signed permission forms may be required from adjacent property owners.

## 10. Signs

- (1) Signs, of any nature, will not be placed within the Aquia Harbour Subdivision without prior approval of the ACC, except as indicated in subparagraphs below. Additionally, sign permits must be obtained from Stafford County, as applicable. A copy of the Stafford County Zoning Ordinance, which contains specific sign permit information, is available for review at the Aquia Harbour Property Owners Association (AHPOA) Office.
- (2) In general signs are discouraged in the Aquia Harbour Subdivision; therefore, the type of signs that are allowed shall be very limited.
- (3) No signs shall be erected or maintained on any lot except:
  - (a) Such signs as may be required by legal proceedings. (Approval not required).
  - (b) Temporary signs (i.e., two weeks or less) that are designed to advertise community functions within the Aquia Harbour Subdivision; only one sign, not to exceed four square feet in size, and the bottom of which is not higher than two feet from ground level.
  - (c) Such signs used by the real estate industry to advertise the sale of property; only one sign per site, not to exceed four square feet in size, and the bottom of which is not higher than two feet from ground level.
  - (d) During the period of construction of any building or other improvement, one job identification sign per site to include lot number not to exceed four square feet in size and the bottom of which is not higher than two feet from ground level is required.
  - (e) Model home signs are restricted to only one sign for any contractor and shall not:
    1. Exceed four feet by eight feet in size.
    2. Exceed six feet in height from ground level.
    3. Be lighted in any way.
- (4) All signs shall be strategically placed as not to obstruct the view of pedestrian and/or vehicular traffic.
- (5) All signs must be attractively constructed and maintained to project an attractive appearance.
- (6) Request for approval:
  - (a) All applicants are required to complete one copy of the Aquia Harbour ‘Sign Permission Form’.
  - (b) The Association staff will review the application to ensure that the proposed location, dimensions and content of the sign(s) conforms to Aquia Harbour sign regulations.
  - (c) If the sign(s) meets all the applicable AHPOA regulations, approval will be issued in the

- form of a stamp for each sign to be erected. In cases where the sign(s) cannot be brought in to the AHPOA office, a label with the appropriate approval stamp will be issued. The stamp will indicate the date of the event and the staff member's initials. This stamp is to be placed on the front of the sign.
- (d) The application form will be signed and dated by the staff member. A copy will be kept on file, the original given to the Aquia Harbour Police Department and a copy given to the applicant.
  - (e) Signs are to be removed within 24 hours of the event.

## **11. Temporary Storage Containers**

Homeowners are required to submit an application to the Architectural Control Committee (ACC) prior to placing a temporary storage container on their property, e.g. PODS/Smart Box. Homeowners will be limited to one temporary storage container on their property at any one time. Homeowners are required to state the dimensions of the temporary storage container, and provide a plat indicating where the container will be placed on the property. If possible, the container should be placed in the rear of the home. Temporary storage containers will be approved for a maximum of 90 days. The committee will entertain an extension if circumstances justify more time.

# ILLUSTRATIONS

## Application for Construction Approval Aquia Harbour Property Owners Association, Inc.

**References:** Restrictions, Aquia Harbour Subdivision, Stafford County, Virginia, and variance thereto dated October 9, 1972.

**Instructions:**

1. **The Application for Construction Approval** will be submitted in *two (2) copies* to the Architectural Control Committee (ACC) Clerk, Aquia Harbour Property Owners Association (AHPOA), in accordance with the time schedule announced by the ACC.
2. The Application will be either *printed or typed*.
3. The Application *must be complete*: otherwise the Application will be tabled until all the information has been received.
4. Where *colors* are necessary, the terms such as green, yellow, brown, grey, white, blue, black, and units with any shade indicators such as light or dark will be used. Any Application listing colors not *readily understood by a lay person* will be returned to the applicant for clarification.
5. Any *modification of elevations or plans* must be drawn in on the material submitted with the Application.

**Notification:**

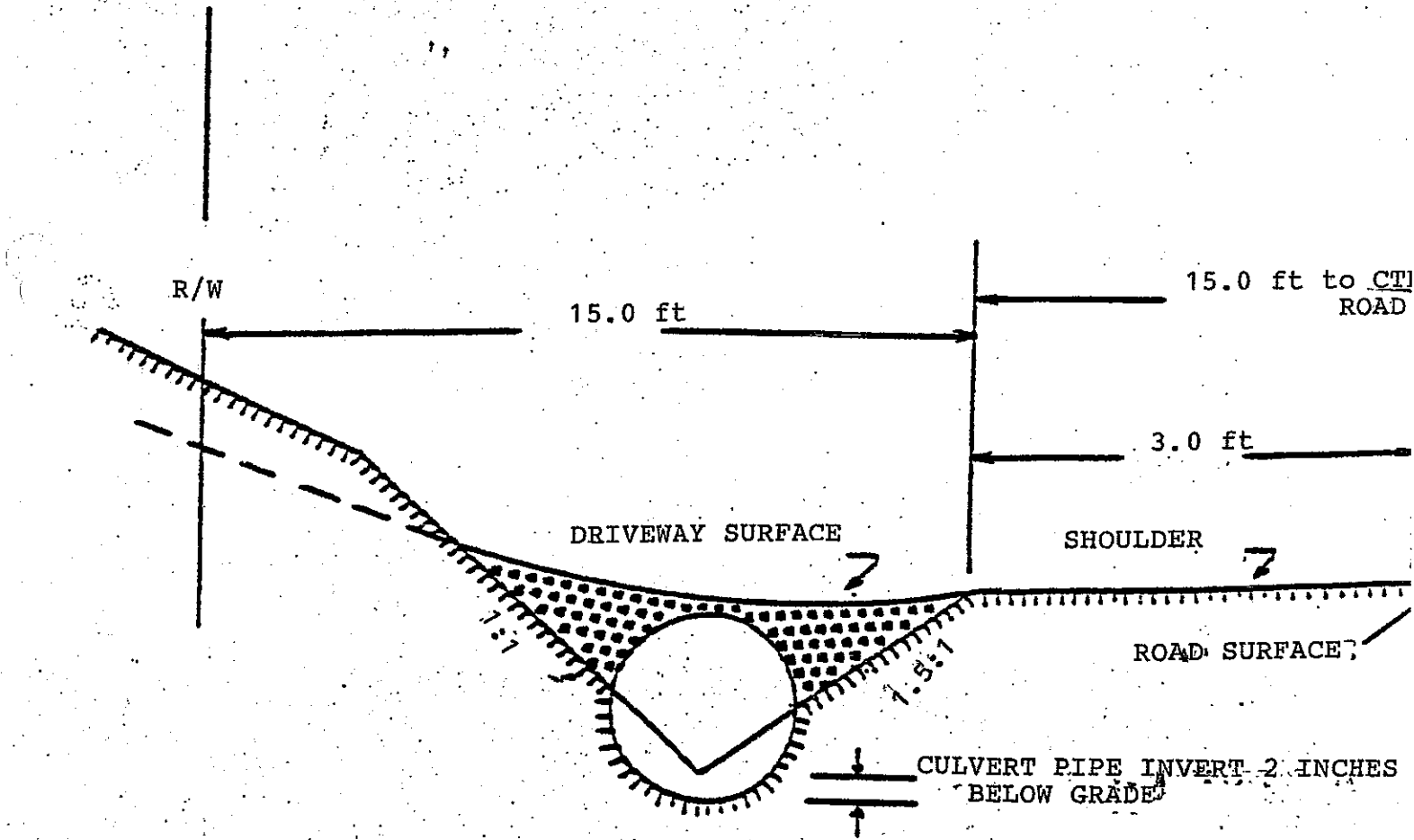
Upon completion of the ACC review of this Application, the applicant will be notified of the ACC decision by separate correspondence. If approved, one set of plans will be returned to the applicant and one set will be retained by the AHPOA. *Matters that are relative to the unauthorized commencement of construction within the Aquia Harbour Subdivision will be referred to the Legal Compliance Committee for resolution.*

<b>PART 1: Applicant and Site Information</b>		
<i>Name and Position (Owner or Agent):</i>		<i>Address:</i>
<i>Day Telephone Number:</i>	<i>Lot Number:</i>	<i>Address of Site:</i>

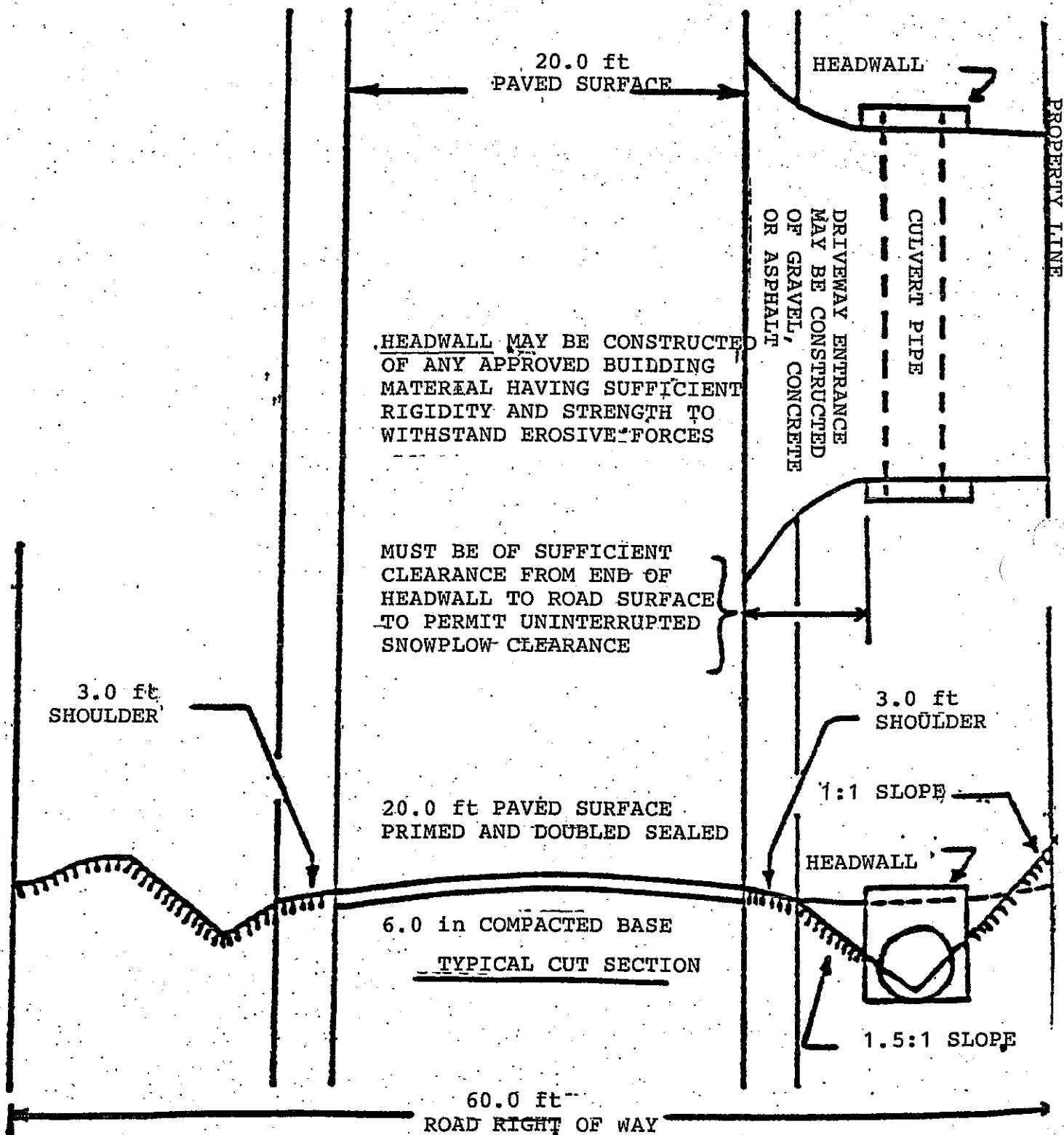
<b>PART 2: Modifications or Additions to Existing Structures</b>	
<b>Description:</b> Briefly describe the project giving colors and dimensions where appropriate. <i>Attach two (2) sets of site plans</i> with the project marked on them and distances from boundary lines as appropriate for all construction except for repainting.	
<i>Owner's Name:</i>	<i>Contractor's Name:</i>
<b>Certification:</b> I certify that I will have obtained all required permits from local, state or other agencies, pertinent to this project <i>before</i> any work is started.	
_____	_____
<i>Owner, Agent or Contractor</i>	<i>Date</i>



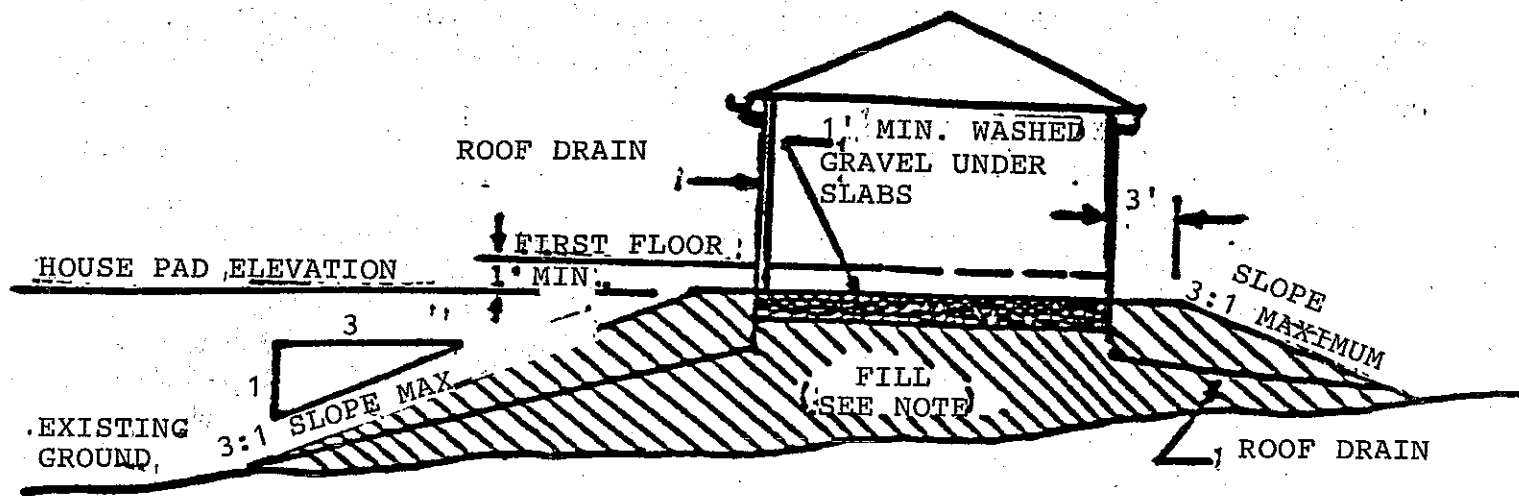
TYPICAL SECTION SHOWING CULVERT PIPE INSTALLATION



TYPICAL DRIVEWAY ENTRANCE SHOWING CULVERT PIPE AND HEADWALLS



TYPICAL LOT SECTION FLOODWAY AREA AQUIA HARBOUR



Fill to be compacted in layers not exceeding 8" in thickness at optimum moisture (within a tolerance of  $\pm 20\%$  of optimum) to a minimum density of not less than 95%, as compared to the theoretical maximum density.

Begin 3:1 slope 3' outside perimeter of house on all sides.

First floor elevation to be minimum of one foot above house pad elevation.

All roof drains to be carried sub-surface to discharge onto natural ground.

All 3:1 slopes to be sodded. Slopes 4:1 or less to be seeded and mulched under the direction of the Soil Conservation Service.

ADDENDUM TO APPROVAL FOR INSTALLATION  
ON ASSOCIATION OWNED PROPERTY BORDERING LOT \_\_\_\_\_  
WITHIN THE AQUIA HARBOUR SUBDIVISION

You have applied to the Architectural Control Committee to make an installation on association property bordering your property, Lot Number \_\_\_\_\_, within the Aquia Harbour Subdivision.

Attached to this addendum is your approval letter from the Architectural Control Committee which grants approval of your application contingent upon you signing and returning this addendum which shall serve as a statement of understanding.

IT IS HEREBY UNDERSTOOD THAT:

1. A driveway culvert pipe installation shall be made only so long as the installation is made in compliance with the Aquia Harbour Construction procedures as described on Pages I13 and I14, entitled TYPICAL DRIVEWAY ENTRANCE SHOWING CULVERT PIPE AND HEADWALLS. (A copy of same has been attached to and made part of this addendum).  
NOTE: these installation instructions require that the water from your property not be drained onto the roadway. Further, when driveway extensions are involved, the driveway installed must fall off below the road level as shown in diagram.
2. The Applicant/Property Owner during his/her term of ownership assumes the responsibility for keeping all culvert pipes and ditches, adjacent to the property, clean and open to allow water runoff to flow uninterrupted and prevent the runoff from causing damage to adjacent Association roads. The responsibility conveys to subsequent owners of property.
3. The Applicant/Property Owner acknowledges that the installation instructions requires two foot set backs from each line (minimum 4 foot opening between lots). This space is required to permit both adequate distance for clean out equipment and for surface water to enter the drainage pipes.
4. Nothing in this statement or in the Architectural Control Committee approval shall cause any recorded easement to be changed or invalidated.

\_\_\_\_\_  
Signature of Property Owner

Lot \_\_\_\_\_ Aquia Harbour Subdivision

**EXCERPTS OF ZONING ORDINANCES  
STAFFORD COUNTY, VIRGINIA**

**PART 2**

Effective Date: January 1, 1995

**PART 2 - EXCERPTS OF ZONING ORDINANCES, STAFFORD COUNTY**

Effective January 1, 1995

The Aquia Harbour Subdivision falls into Zoning District. R-1, Suburban Residential.  
The following regulations apply.

**Zone or District**

R-1  
Suburban Residential

**Section 28-50.**

The purpose of the R-1 district is to provide areas which are in close proximity to existing or future development of equivalent of higher densities, and which are intended for low density residential development where public water and sewerage facilities are available. Development in the R-1 district is intended to be characterized primarily by single-family dwellings.

(a) *Uses permitted by right:*

- Accessory dwelling.
- Community use.
- Duplex in approved cluster development.\*\*
- Group family day care home.
- Home occupation.
- Park and playground.
- Public facility/utility.
- School.
- Single-family dwelling.
- Small family day care.

(b) *Conditional use permit:*

- Bed and breakfast inn.
- Golf course.
- Marina.
- Nursing home.
- Place of worship.
- Recreational facility.

(c) *Special exception:*

- Home business.
- Keeping of horses and ponies on three-acre or larger lots.

(d) *Requirements:*

(1) *Intensity:*

- Allocated density .....3.0 dwelling units per acre
- Open space ratio.....0.50 ratio

(2) <i>Minimum yards:</i>	Feet
Front.....	30
Side .....	10
Back .....	35
(3) <i>Maximum height (in feet)</i> .....	35
(4) <i>Minimum lot width (in feet)</i> .....	80

\*\* For duplex structures, the minimum width of any individual side yard is eight (8) feet, and the minimum total width between structures is ten (10) feet.

### **ARTICLE III GENERAL DISTRICT USE REGULATIONS AND STANDARDS**

#### **Section 28-38. Performance regulations.**

(b) *Corner lots.*

Nonresidential corner lots shall be considered to have two (2) fronts and are subject to front setback requirements for both fronts. Residential corner lots shall be considered to have one front where the front yard shall be determined to be the shortest street facing side. All other street facing sides shall have a yard of twenty-five (25) feet or the minimum front yard requirement, whichever is less.

Landscaping, fences, hedges, berms, and similar features of corner lots shall not impair clear sight distances for the intersection. A clear area from three (3) feet above grade to ten (10) feet above grade shall be maintained at all times.

(c) *Accessory buildings/structures.*

No accessory building or structure shall be located within ten (10) feet of any property line on any lot greater than one acre; no accessory building or structure shall be located within five (5) feet of any property line on any lot of one acre or less; no accessory building and/or structure, except for walls, fences and signs shall be located in any front yard or street facing side yard.

No accessory building or structure shall be located within ten (10) feet of any other structure, unless it is attached to the primary structure and does not intrude into any required setbacks. In residential districts of lots less than one acre, no accessory building shall be located closer than five (5) feet to the property line except, on townhouse lots, building may be located no closer than three (3) feet to the side property line and be exempt from rear setbacks where the lot abuts a common open area or other easement at least ten (10) feet in width.

Notwithstanding those structures specifically excepted in section 28-24(1) or by subsection (d) below, no accessory building or structure shall exceed the height of the primary structure. On townhouse lots, no accessory building and/or structure shall exceed ten (10) feet in height.

All accessory buildings and/or structures, except for fences or walls, on townhouse lots shall be not more than one hundred (100) square feet in size.

(d) *Exceptions to height regulations.*

The board of supervisors may modify the height requirements otherwise imposed in any district

for a specific structure by review and approval of a conditional use permit, pursuant to the provisions of section 28-185.

### **Section 28-24. Measurements.**

(1) *Building setbacks.*

The distance from the outermost point of the structure, except for uncovered stairs, to the nearest point of the respective property boundary.

(2) *Height of structure.*

The vertical dimension of a structure as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. The height limitations contained in Table 3.1 shall not apply to spires, belfries, cupolas, antennas, communication towers, silos, barns, water towers, ventilators, chimneys, monuments, flag poles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

### **Section 28-39. Special regulations.**

(a) *Fences, walls and hedges.*

Rural and Residential districts (A-2, R-1, R-2, R-3 and R-4). Fences, walls, and hedges shall not exceed eight (8) feet in height within any side or rear yard nor four (4) feet in height within any front yard or within that portion of the side yard in front of the front setback line. In no event shall barbed wire, razor wire, or any other similar contrivance be used in residential districts.

In no event shall fence, wall or hedge obstruct the clear sight line for vehicular traffic at entrances onto public roads.

## ARTICLE VIII SIGNS

### **Section 28-122. Certain types prohibited in all districts.**

The following types of signs are prohibited in all zoning districts:

- (1) Any sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time or temperature, which changes alternating on not less than a five-second cycle, or message board, when such sign does not constitute a public safety or traffic hazard, in the judgement of the zoning administrator or his designee.
- (2) Any lighting, either by exposed tubing or string of lights, either outlining any part of a building or affixed to any ornamental part thereof.
- (3) Any sign that obscures or interferes with any sign displayed by a public authority for the purpose of giving traffic instructions or direction or other public information.
- (4) Any sign that uses the word “stop” or “danger” or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger or which is a copy or imitation of, or which, for any reason, is likely to be confused with, any sign displayed by

public authority.

- (5) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, as required by law.
- (6) Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.
- (7) Any sign that violates any provision of any law of the state relative to outdoor advertising.

**Section 28-124. Types permitted in A-2 and R-1 districts.**

The following types of signs are permitted in A-2 and R-1 districts:

- (1) Home occupation signs; provided that, the maximum size shall be four (4) square feet.
- (2) Public signs.
- (3) Subdivision signs.
- (4) Temporary event signs; provided that, the maximum size shall be four (4) square feet and that not more than one such sign shall be located on any lot or premises.
- (5) General advertisement signs; provided that:
  - a. No portion of a free standing sign shall be greater than twenty (20) feet above ground level.
  - b. No wall sign shall be greater in height than the roof line of the main building located on the premises.
  - c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.
  - d. Not more than one freestanding sign shall be located on any one road frontage or any lot or premises.
- (6) Model home sign; provided that:
  - a. The maximum size sign shall not exceed thirty-two (32) square feet.
  - b. No such sign shall be greater than six (6) feet in height.
  - c. Not more than one such sign shall be located on any lot or premises.
  - d. Such sign shall be removed when use as a model home is discontinued.

## **ARTICLE XVII. ENFORCEMENT**

### **Section 28-311 Violations.**

It shall be a violation of this chapter, and shall subject the violator to the enforcement remedies provides in this article and by state law, for any of the following to occur:

- (1) To engage in any development, use, construction, reconstruction, remodeling or other activity of any nature upon any land and improvements subject to the jurisdiction of Stafford County, without all the certificates, licenses, permits or other forms of authorization required under this chapter; or
- (2) To engage in any development, use, construction, reconstruction, remodeling or other activity of any nature in any manner which is inconsistent with the certificates, licenses, permits or other forms of authorization granted for the conduct of such activity by Stafford County; or
- (3) To violate, either by commission or mission, any term, condition, or qualification placed by Stafford County upon a certificate, license, permit, other from of authorization granted by Stafford County to allow the use, development, or other activity upon any land or improvements subject to the jurisdiction of Stafford County; or
- (4) To erect, construct, reconstruct, remodel, alter, locate, relocate, maintain or use any building, structure, or part thereof, or to use any land in violation or contravention of any regulation of this chapter or amendment thereto; or
- (5) To continue any of the above-stated violations. Each day of a violation shall be a separate offense.

### **Section 28-312. Remedies.**

Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant to this chapter may be abated, corrected, enjoined, removed, or restrained by means of abatement, injunction, or other appropriate action pursuant to the Code of Virginia, 1950 (as amended) sections 15.1-491 and 15.1-499 et seq.

Stafford County may seek such criminal or civil penalties as are provided in this chapter, or as are or may be authorized by Virginia law. The zoning administrator or his designee may make a written determination of the existence of a violation of the provisions of this chapter and issue or cause to be issued a notice of violation and a stop work order to stop work on any building or structure on any land subject to the jurisdiction of Stafford County on which there is, or has been, an uncorrected violation of a provision of this chapter, or a violation of any permit or other form of authorization issued under this chapter by Stafford County. The cessation of work shall be in accordance with the powers and procedures authorized by the Virginia Uniform Statewide Building Code.

### **Section 28-313. Enforcement.**

The owner of the land or the structure which is in violation of the provisions of this chapter shall be notified in writing of each violation, stating the causes and basis thereof. Upon a determination by the zoning administrator or his designee that a violation of this chapter exists, he shall serve notice of such violation on the person committing the violation, or if the violator cannot be identified, upon the owner of the land on which the violation occurs. Such notice shall explain the violation and demand the correction or abatement of the violation. If the violation has not been corrected or abated within a reasonable time, as determined by the zoning administrator or his designee, the zoning administrator shall initiate such legal action as may be necessary to terminate and/or correct the violation.

### **Section 28-314. Civil Penalties.**

#### *(a) Summons.*

The zoning administrator or his designee shall have the authority and power to issue one or more civil summonses to violators to enforce the provisions of this chapter. Such summons shall be on forms and through procedures approved by the Stafford County Attorney.

Any person summoned for a scheduling violation may make an appearance in person or in writing by mail, the county treasurer prior to the date set for the trial. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty imposed. Such person shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgement of the court.

#### *(b) Trial.*

If a person charged with a scheduled violation does not enter a waiver of trial, the violator shall be tried in the general district court with the same rights of appeal as provided by law.

In any action for a scheduled violation, Stafford County shall have the burden of proof to show the liability of the violator, by a preponderance of the evidence. An admission of liability or a finding of liability shall not be considered a criminal conviction for any purpose.

#### *(c) Fines.*

Each violation of this chapter may result in a civil fine of not more than one hundred dollars (\$100.00) per day during which the violation is found to have existed. Each day may constitute a separate violation. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified violations arising from the same set of operative facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00). Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of the violation as a criminal misdemeanor.

No provision of this section shall be construed to allow imposition of a civil penalty for:

- (1) Enforcement of the Uniform Statewide Building Code;
  - (2) Activities related to land development or activities related to the construction or repair of buildings and other structures;
  - (3) Violation of an erosion or sedimentation control ordinance; or
  - (4) Violation of any provision of this chapter relating to the posting or signs on public property or public rights-of way.
- (d) Uniform Schedule of Civil Violations. Violation of any section of this chapter, except as specified in section 28-315 of this chapter, shall be subject to a civil penalty pursuant to the authority of the above and to section 15.1-499.1 of the Code of Virginia (1950) as amended, violations of this chapter shall be subject to the imposition of the corresponding scheduled penalties:

1 <sup>st</sup> offense .....	\$100.00
2 <sup>nd</sup> and subsequent offenses .....	\$150.00

**Section 28-315. Criminal Penalties.**

Any person, whether as owner, lessee, principal, agent, employee, or otherwise, who violates any provision of this chapter which causes physical injury to any person, shall be guilty of a misdemeanor, and upon conviction, shall be punishable by a fine of not less than ten dollars (\$10.00) and not more than one thousand dollars (\$1,000.00).

Each day during which such violation continues, shall be a separate and punishable violation of this chapter.

**ARTICLE XI  
PERMITS**

**Section 28-182. Zoning Permits.**

(a) *When required.*

No building or structure shall be erected, constructed, altered, moved, converted, extended or enlarged without a zoning permit issued by the zoning administrator or his designee. No zoning permit shall be issued by the zoning administrator or his designee except in conformity with the provisions of this chapter.

### **Section 28-183. Building Permits.**

(a) *When required.*

No building or structure shall be erected, constructed, altered, moved, converted, extended or enlarged without a building permit and no building permit shall be issued unless its issuance is approved by the zoning administrator or his designee. No zoning permit shall be issued nor building permit approved by the zoning administrator or his designee except in conformity with the provisions of this chapter.

### **Section 28-184. Certificates of Occupancy.**

(a) *When required.*

No land shall be used or occupied nor shall any building erected or structurally altered by used or changed in use without the issuance of a certificate of occupancy by the zoning administrator or his designee. Such certificate shall state that the building or proposed use complies with the building laws and the provisions of this chapter.

### **Section 28-185 Conditional Use Permits.**

(a) *Purpose and intent.*

Issuance of a conditional use permit shall be required for those uses designated as conditional uses in Article III. Conditional uses are those uses which are generally compatible with the other land uses permitted in a land use district, but which require individual review of their location, design, and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses have some unique character or probable special impacts such that their effect on the surrounding area cannot be determined in advance of the use being proposed at a particular location.

### **Section 28-46 Zoning Permits Required**

No building or structure shall be erected, constructed, altered, moved, converted, extended, or enlarged without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued by the Administrator except in conformity with the provisions of the ordinance.

### **Section 28-47 Application for Zoning Permits**

Applications for zoning permits shall be made to the zoning Administrator on forms provided. Each application shall be accompanied by a plot drawn scale showing the size and shape of the parcel of land, the location of structure or use with respect to the property lines and to the right of way of any street or highway, and any other information which the Administrator may deem necessary for consideration of the application.

### **Section 28-48 Certificates of Occupancy Required**

Lands shall be used or occupied and buildings erected or structurally altered shall be used or changed in use only after a certificate of occupancy has been issued by the Administrator. Such certificate shall state that the building and proposed use comply with the building laws and the provisions of this ordinance.

## **Section 28-49 Application for Certificates of Occupancy**

Certificates of occupancy shall be applied for within ten days after the erection or alteration of structures that have been completed.

If the proposed use is in conformity with the provisions of this chapter, and of all other applicable laws and ordinances as certified to the Zoning Administrator by the officers, bodies, or agencies responsible for the administration thereof, the certificate of occupancy shall be issued within 5 working days after the request for the issuance of the same has been made.

## **Section 28-50 Special Use Permits**

Special Use Permits, also known as conditional use permits, may be authorized upon a finding by the Board of Supervisors that the use will not be detrimental to the character and development of the adjacent land will be in harmony with the purpose and intent of the County Zoning Ordinance.

Application for special use permits shall be submitted to the Zoning Administrator. There shall be a fee of \$950.00 payable to the County Treasurer for the consideration of each application for special use permit.

No such special use permit may be issued except after notice and hearings as provided in Section 15.1-431 of the State Code.

Any use, building, or activity legally in existence on the effective date of this ordinance for which a building permit was issued prior to the effective date of this ordinance, shall not require a special use permit, so long as such existing use,

Should a request for a special use permit be denied, at least six months shall elapse before another application for the same is considered.

## **Section 28-51 Standards for Special Use Permits**

If the Board of Supervisors shall find use for which a use permit is sought will be in accord with the following standards, it may issue the use permit, provided that all other provisions of the law have been complied with.

The use shall not tend to change the character and established pattern of development of the area in which it wishes to locate.

## **CONSTRUCTION LIMITATIONS FOR BUILDING IN THE FLOOD PLAIN AREAS**

Structures permitted in the flood fringe areas will be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia State-wide Building Code and all other applicable codes and ordinances. It is a requirement that such structures when completed offer minimum obstruction to flood flow. Encroachment on the floodway fringe area by excessive fill build-up, more than that required to achieve that proper flood protection level for the structure is not

permitted. Excessive fill will decrease the fringe flow area and cause increased flood heights. If the flood plain flow area is reduced by encroachment at any location, be any means, it will cause increased flood levels; the greater in the encroachment area, the greater will be the flood level rise. For development of lots in the flood plain area, the contractor or building must submit acceptable data showing grading plans, compaction method and erosion controls in accordance with Stafford County that will provide protection against flood for all proposed and existing structures. The construction must be accomplished with minimum encroachment on the flood area to minimum increasing flood levels in order to protect existing structures. The builder/contractor will submit the plans to the Chairman, Architectural Control Committee, AHPOA who will forward to the Stafford County Administrator and request in writing opinion as to the adequacy of the plan. The Architectural Control Committee will withhold approval of the construction Application until required plans have been approved by the county.