

Farmington Civic Association Declaration of Restrictions (Covenants)

This abstract of the Farmington subdivision covenants is a compilation of the various covenants for each of the sections. You may obtain a copy of your specific covenant from the Circuit Court Clerk's Office in the City of Hampton.

Architectural Requirements

Sections 1-17

No building shall be erected on any lot unless the plans and the specifications for the same have been approved, in writing, as to material and harmony of external design with existing buildings in the subdivision. Lots shall be graded by the building contractor in accordance with the approved grading plan approved by the City of Hampton.

Sections 9-17:

The following architectural restrictions relating to design, materials, colors, accessories and equipment shall apply to all buildings erected on any lot:

- a) **No** building shall be constructed having a **geodesic design**.
- b) **No** building shall be constructed primarily of **log siding**.
- c) **No** window **air conditioning units** shall be permitted on any building.
- d) **No over hanging awnings** shall be permitted on any building.
- e) The **exterior walls, garage doors and trim** of all buildings **shall not be painted** or otherwise colored **in bright colors**, including but not limited to red, green, yellow, orange, or black; provided this restriction shall not apply to accent colors on front entry doors.

Sections 11-17

a) **Construction plans** showing floor plans, exterior elevations, and exterior materials to be used shall be submitted for approval by Cedar Park Corporation, or its designee before construction is started on any lot.

b) **All completed homes are to be landscaped** within a period of ninety days after move-in. A minimum of 10 shrubs shall be required to this requirement for sections eleven and twelve and 12 shrubs for sections thirteen and seventeen.

Mulch beds are required for **section 17**.

Section 17

Roof design is critical to the overall appearance of the home. The pitch of the main structure's roof shall be no less than 7 feet in 12 feet. Roof pitch for porches and secondary structures may be less. Roof materials may be any type that is consistent with the architecture of the home; however, asphalt shingles **must** be a dimensional (architectural) type. Specifically, standard three-tab roofing is not allowed all roofing penetrations must be painted to match the roof and located to the rear of the home.

Dwelling Requirements

No dwelling shall be constructed on any lot unless the area of the main structures meets with the following requirements:

Sections 1-10:

- a) **One story dwellings** shall have a minimum of 1500 sq. ft., exclusive of open porches and garages.
- b) **Split-level dwellings** shall have a minimum of 1800 sq. ft., exclusive of open porches, patios, carports, and garages.
- c) **One and one-half (1-1/2) story dwellings** shall have a minimum ground floor area of not less than 1000 sq. ft., and a second floor area of not less than 600 sq. ft., exclusive of open porches and garages. For sections six through eight, items c) and d) refer to 1600 sq. ft. and 1800 sq. ft. and 2200 sq. ft. versus what is shown.
- d) **Two story dwellings** shall have a minimum ground floor area of not less than 900 sq. ft., and a second floor area of not less than 900 sq. ft., exclusive of open porches and garages.

Sections 11-12:

- a) **One story dwellings** shall have a minimum of **2200 sq. ft.** exclusive of open porches and garages.
- b) **Multiple level dwellings** shall have a minimum of **2200 sq. ft.** exclusive of open porches and garages.

Sections 13 and 17:

While the emphasis in Farmington will be on design and construction excellence, the following minimum sizes are specified for the buildings:

- a) **One story homes** shall have a minimum of 2250 sq. ft. of living space and **multiple level homes** shall have a minimum of 2500 sq. ft. of living space. Living space shall be heated areas exclusive of porches, decks, breezeways, and garages.
- b) A **two- car garage** shall be constructed in addition to the living areas noted above.

A variety of architectural styles with emphasis on excellence of design are desired in Farmington.

Note: All homes located on Sutton Place Circle shall have a minimum of 3200 sq. ft. of living space.

Television and Radio Antennas and Towers

Sections 1-7 and 13:

No television and/or radio antennas, except the types usually attached to residences, shall be allowed on any lot. No radio or television tower or satellite dish shall be placed on any lot.

Section 14

The new 18” diameter **DSS satellite dish** can be located in the rear of the house.

Sections 14 -17:

No television and/or radio antennas, except the types usually attached to residences, shall be allowed on any lot. All such permitted antennas shall be screened from public view to the fullest extent permitted by applicable law, and shall be placed to the rear of the main dwelling on the lot.

Temporary Structures

Sections 1-17

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuildings **shall be used on any lot**, at any time as a residence either temporarily or permanently.

Livestock and Poultry

Sections 1-17:

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

Signs

Sections 1-17

No sign of any kind shall be displayed to the public view on any lot, **except one** sign of not more than five square feet advertising the property for sale or rent; or signs the builder uses to advertise the property during the construction and sales period; except that Cedar Park Corporation may erect signs approved by the City of Hampton only during the period of development and sale of lots in the Farmington development.

Garbage and Refuse Disposal

Sections 1-17:

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for storage or disposal of such material shall be **kept in a clean and sanitary condition to the rear of the dwelling concerned.**

Easements

Sections 1-17:

Easements for **installation and maintenance** of utilities and drainage facilities are reserved as shown on the recorded plat of subdivision.

Sections 5-7 and 17

Easements granted **Virginia Power and Bell Atlantic** for installation and maintenance by them of utilities are reserved as recorded in the Clerk's Office aforesaid. **Sections 9-14**, cable TV companies are included in this paragraph.

Section 17:

Cedar Park Corporation or its designed assignee hereby reserves and shall have the right to grant easements not to exceed ten feet (10') in width along all front and /or rear property lines and five feet (5') in width along all side property lines for drainage, telephone, electricity, cable television and /or other utilities or services; all in addition to those easements shown on the recorded plat of subdivision.

Underground and Electrical Telephone Service

Sections 1-17:

Neither poles nor other structures for the carrying or transmission of electric power or telephone service, nor any electric or telephone line or cable, elevated or carried above the surface of the land or ground, and not completely enclosed within some building or structure permitted under the provisions of these restriction, shall be erected, altered, placed or permitted to remain upon either:

- 1) any lot in the subdivision or
- 2) in or upon any street, alley, sidewalk, curb, gutter, or easement or right of way included within the subdivision. All electric and telephone service facilities constructed or placed within the subdivision, unless completely enclosed within some building or structure permitted under the provisions of these restrictions, must be

carried, housed or placed beneath the surface of the land in the subdivision.

a) The provisions of this paragraph shall not apply to street lights supported by columns, or transformer boxes and containers for electrical equipment used in connection with providing electric or telephone service to permitted structures within the subdivision, so long as such transformer boxes do not project more than five (5) feet above the surface of the ground and so long as such street lights and the columns supporting them, and such transformer boxes and containers are not attached directly to electric or telephone wires and cables elevated above the surface of the ground; nor shall the provisions of this paragraph apply to electric or telephone wires and cables elevated above the surface of the ground, but attached throughout their exposed or elevated length to the side of some building or structure permitted under the provisions of these restrictions.

Building and Fence Location

Sections 1-17:

- a) **No building shall be erected on any lot nearer** than the minimum building setback lines shown on the recorded plat; or nearer than 15 feet to any side street line.
- b) All buildings erected on said lot **shall comply with the zoning ordinance** of the City of Hampton, Virginia, as it exists at the time of the erection of such building.
- c) **No fence shall be erected** at any location on any lot without **prior approval** and in no instance shall any fence be erected on any lot nearer to the street lot lines than the main dwelling building.
- d) For the purpose of this covenant, eaves, steps and open porches, excepting side porches, shall not be considered as a part of a building provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.
- e) **For section seventeen** - No fence shall be erected at any location on any lot nearer to the front lot lines than the minimum building setback shown on the recorded plat, or nearer than 15 feet to any side street right of way line. Wood and masonry fences are allowed. **No chain link or wire fences shall be erected any location on any lot.**

Section 9-12:

No metal fences shall be erected at any location on any lot.

Sections 13 and 17:

No chain link or wire fences shall be erected at any location.

Sewage Disposal

Sections 1-17

Every dwelling unit constructed within this subdivision shall be connected to the public sewage disposal system.

Nuisances

Sections 1-17:

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance to the neighborhood.

Sections 9-17:

No buses, recreational vehicles, motor homes, trailers, (except boats and boat trailers kept to the rear of the main dwelling) and **no vans or trucks** (except 3/4 ton and smaller)/(for section seventeen – except one ton and smaller) shall be permitted to remain on any lot on a regular or prolonged basis.

Sections 11-17:

- a) **No basketball hoops** or backboards may be installed in front or side yards on any lot.
- b) **No skateboard ramps** may be installed on any lot.
- c) **No swimming pool** shall be constructed or erected above ground level.

Yard Sale and Garage Sales

Sections 10-17:

No yard sales or garage sales shall be allowed on any lot.

Enforcement

Sections 1-17 except the last sentence applies only to sections 9-17

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violating or to recover damages, reasonable attorney's fee and court costs, or both. These covenants shall inure to the benefit of each and every homeowner within the subdivision, and may be enforced by any one or more of them.

Waiver of Restrictions

Sections 1-17:

In the event of a violation of restrictions, said violation shall be deemed waived as to all parties claiming hereunder; provided said violation is waived, or a variance granted, by the Board of Zoning Appeals or any other board, commission or authority having jurisdiction of such matter in the City of Hampton, Virginia.

Term

Sections 1-17

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty-five years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

Severability

Sections 1-17:

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Land Use and Building Type

Sections 1-17, except for the reference to two car garages which applies only to sections 1-7:

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than two cars; and such accessory buildings as may be approved.

Sections 8-17:

And one private garage for not more than three cars, and one accessory building both constructed of materials and color similar to the main dwelling. Specifically, **no metal prefabricated accessory buildings** shall be permitted.