
Declaration of Covenants, Conditions and Restrictions

For

Pinecrest Cluster Homeowners Association

Prepared by: PHA Board of Directors

Last Adopted by the Board on August 26, 2011

WHEREAS Article VII, Section VII.1 of the Reston Deed of Dedication (the "Reston Deed"), as amended, provides that the purposes of a Cluster Association are to own and manage Cluster common area and to promote the peace, health, comfort, safety and general welfare of the owners and occupants of the Cluster; and

WHEREAS Article VII, Section VII.2 of the Reston Deed of Dedication (the "Reston Deed"), as amended, grants the Cluster Association's Board of Directors the right to establish reasonable rules of use governing the Cluster common area, including parking rules;

WHEREAS Article VII, Section VII.3 of the Reston Deed of Dedication (the "Reston Deed"), as amended, creates the obligation of each owner to pay such assessments as are established and levied by the Association, and grants the Association's Board of Directors the power to annually fix the assessment and the date or dates such assessment shall become due; and

NOW THEREFORE, IT BE RESOLVED, that the Pinecrest Cluster Association Board of Directors (the "Board") elects to update and accept all changes made within the Declaration of Covenants, Conditions and Restrictions defined as follows:

Definition of Terms.

For purposes of this document, the terms used herein shall be defined as follows:

- (a) Common Property: All of the Limited and Common Areas which comprise the geographical area known as Pinecrest Cluster.
- (b) Resident: Any person, whether owner or tenant, who resides within the Common Property.
- (c) Association: Pinecrest Cluster Homeowners Association.

Article 1. Trash.

Section 1-1. Common areas.

Residents may not store or cause trash to collect on Common Property. The disposal of anything in the woods or the grassy areas is expressly prohibited.

Section 1-2. Responsibilities of Residents.

- (a) Trash Collection: Trash pickup will occur on Monday and Thursday mornings. Residents may place trash or recyclables out no earlier than 6 p.m. the night before trash is to be picked up. Please have your items curbside by 6 a.m. on pickup day.
- (b) Trash Can Placement: In order to be picked up by AAA, trash cans must be placed at the end of the walkway in front of your home during the hours and days specified for trash collection. DO NOT put trash cans, bags of garbage, recyclables, large items, prohibited items or any other materials on grassy areas to be collected.
- (c) Recycling: Residents can obtain two (2) recycling bins from AAA for collecting recyclables. Recycling pickup will occur Thursday morning during normal trash pickup. Recyclables should be placed in bags or in a recycling container provided by AAA. The county requires that no newspapers be included with the regular trash pickups. All other recyclable material (aluminum cans, glass, and plastic containers) should put together in a single container

separate from the rest of your garbage. Do not place plastic bags out for recycling (Local supermarkets will recycle plastic bags).

- (d) Containers: Residents can obtain one (1) 96 gal trash container for collecting trash. Residents can also use a large plastic or metal trash can with a lid. Tight fitting lids must be used. Containers must have the house number clearly written on the container and the lid. Garbage must be stored inside a container when placed outside for pick-up.
- (e) Storage: Containers cannot be stored in the front yard. Trashcans are to be stored in the back yard only. Trashcans are to be returned to storage by 11:00 PM every Monday and Thursday (this will allow people to get them when they return from work for the day). The only exception is for residents with front fences or other Reston Association approved structures where a trashcan is not visible from the court or street. When stored in the backyard, please be sure to secure the lid to help avoid rodent and insect infestation.
- (f) Yard Waste: The only items that may be put out in bags are leaves and yard clippings. Residents must contact AAA when placing yard waste out for pick-up. Hedge and tree trimmings must be cut to four foot lengths and tied in bundles or bagged
- (g) Large Item Collection: AAA will pick up oversized items such as furniture, wallboards and similar construction materials. Ferrous metal/white metal goods such as appliances will be picked up with an additional charge billed to the resident. Prior notice is requested when any large items are to be disposed. Certain appliances, such as refrigerators must be made inert (i.e. drained of Freon) before they can be picked up.
 - 1. Large Item Pickup Schedule: AAA will pick large items only if a call is placed in advance. Please arrange pick up of these items before they are placed outside by calling AAA at 703-802-3322.
- (h) Prohibited Items: The following items must be taken to the I-66 Transfer Station located at 4618 West Ox Road, Fairfax, VA. These items will not be picked up during trash collection: batteries, propane tanks, paint cans, motor oil, flammable materials, toxic materials, tires, rocks, concrete, dirt, sod or tree stumps.

Article 2. Parking.

Section 2-1. Definition of Terms.

For purposes of this article, the terms used herein shall be defined as follows:

- (a) Parking Areas: Any portion of the Common Elements marked and designated as parking spaces, whether assigned or unassigned.
- (b) Vehicles: Any device in, or by which, persons or property may be transported or drawn by on a highway. Such devices shall include, but are not necessarily limited to, automobiles, motorcycles, trucks, vans, trailers, campers and any other recreational vehicle.
- (c) Antique and Vintage Vehicles: Any vehicle which has antique or vintage license tags issued by the Commonwealth of Virginia or another state.

- (d) Oversized vehicles: Any vehicle which, because of its irregular height, length, shape or width will not fit within the confines of a single parking space. An oversized vehicle shall be construed as a vehicle which exceeds any of the following specifications: greater than ten (10) feet in length from axle to axle, nineteen (19) feet in length from bumper to bumper, eight (8) feet in width, 10,000 pounds in gross weight, has three or more axles and/or has commercial license plates.
- (e) Improperly Licensed Vehicles: Any vehicle with an expired or otherwise invalid, state license plate or decal of another Virginia County or City, state inspection sticker, or temporary permit.
- (f) Inoperative vehicles: Any vehicle that does not run or cannot be driven, or any vehicle which is partially or totally disassembled as a result of the removal of tires, wheels, engine or other essential part.
- (g) Abandoned Vehicles: Any vehicle left unmoved in an unreserved parking space for more than 30 consecutive days, with the exception of antique or vintage vehicles duly approved and parked in a reserved parking space.
- (h) Other Equipment and Machinery: Any agricultural, industrial, construction or similar machinery or equipment.

Section 2-2. Rules and Regulations.

- (a) Use of Parking Areas. Residents may not use the parking areas for any purpose other than vehicular parking. Each unit is assigned two (2) reserved spaces. All unauthorized vehicles are prohibited except when picking up or delivering passengers or merchandise or during the performance of work or services at the location.
- (b) Number of vehicles. Residents may not park more than two (2) registered motor vehicles, including but not limited to motorcycles, on Common Property.
- (c) Special use vehicles. No recreational vehicle, camper, boat, trailer or other special use vehicle shall be permitted to park on Common Property.
- (d) Repairs. Repairs or maintenance to vehicles, painting of vehicles, or the drainage of automobile fluids is not permitted anywhere on Common Property, except emergency repairs of a minor nature, such as the repairing of a flat tire or the recharging of a dead battery are permitted.
- (e) Washing. Washing of vehicles is permitted on the Property for personal vehicles. No vehicles not permitted to park on the property may be washed, nor is any commercial car washing activity permitted on the property.
- (h) Dumping of Materials. The dumping, disposal or leakage of oil, grease, or any other chemical residual substance is not permitted on Common Property. Any such dumping will result in the suspension and/or revocation of parking privileges, and the unit owner will be assessed for all clean-up costs, as well as any applicable local, state or federal penalties or fines.
- (i) Operator's Responsibilities:

1. Residents may park only one (1) vehicle within each parking space except for motorcycles. A motorcycle may be parked in front of another vehicle provided that both the vehicle and the motorcycle fit within the confines of the parking space and do not violate vehicular length and width provisions.
 2. Residents may not park vehicles in fire lanes or any curb areas painted yellow, occupy more than one parking space, park in another unit owner's assigned space, impede the normal flow of traffic, block any sidewalk, mailbox, or prevent ingress and egress of any other vehicle to adjacent parking spaces or the open roadway.
 3. Residents may not park any vehicle perpendicular to the marked parking spaces or behind other parked vehicles, excepting that vehicles such as school buses, moving vans or delivery trucks may use these areas briefly if essential to the performance of a service, and that an attendant is available to move the vehicle if necessary to allow ingress or egress of other vehicles.
 4. Residents shall operate vehicles only on the paved roadways of the Common Property.
 5. Residents must have a valid operator's license in order to operate a motorized vehicle on Common Property.
 6. If a vehicle's security system interferes with the right of quiet enjoyment of the community for more than fifteen (15) minutes, or for three (3) or more one (1) minute periods over the span of one (1) day, the vehicle will be subject to immediate removal by towing.
 7. Residents may request cars towed from their assigned spaces at any time. Parking unauthorized vehicles or in prohibited spaces are subject to immediate towing at any time.
- (j) Owner's Responsibilities: All owners are responsible for ensuring that family members, employees, guests, tenants and agents observe and comply with all rules and regulations.

Section 2-3. Enforcement.

(a) Removal of Vehicles:

1. The Board of Directors shall have the authority to have any Vehicle not in compliance with Section 2-3 (b), "Violations Subject to Immediate Towing Without Notification" removed from the property. All costs and risks of towing and/or impoundment shall be the sole responsibility of the vehicle's owner.

(b) Violations Subject to Immediate Towing Without Notification: Any Vehicle which is:

1. Parked within fifteen (15) feet of a fire hydrant or in a designated fire lane, or any area marked as a no parking area identified by yellow curbs and/or signs,
2. Occupying more than one (1) parking space,

3. Parked perpendicular to a parking space or on a grassy area or sidewalk,
 4. Impeding access to sidewalk ramps or mailboxes,
 5. Constituting a safety hazard, or
 6. Whose security system has been triggered and allowed to continue unattended for more than fifteen (15) minutes or three (3) or more one (1) minute periods over the span of one (1) day,
 7. Parked in another resident's reserved space,
 8. Parked in any reserved space without consent of the assigned owner.
- (c) Revocation or Suspension of Vehicle Parking Permits for Failure to Pay Assessments:
1. Privileges to park a Vehicle may be suspended or revoked at the discretion of the Board of Directors for failure to pay any Pinecrest Cluster assessments when due, including, without limitation, special assessments, charges and legal fees charged to the account.
- (d) Owner's Responsibilities: Unit Owners and Residents shall be responsible for all expenses, including but not limited to towing charges, and/or attorney's fees incurred by the Association in enforcing the provisions of this article.
- (e) Liability: The Association assumes no responsibility for the security of any vehicle parked in the parking areas, and it disclaims responsibility for any damage to any vehicle parked or operated on Common Property, including, without limitation, damages resulting from towing. The Association reserves the power to hold any Resident legally responsible for any damage caused to the Common Elements by the use, repair or maintenance of his/her vehicle, or as a result of negligence or violation of these rules and regulations, whether on the part of the owner, tenant, and his/her family, tenants, invitees, guests and/or agents.

Article 3. Pets.

Section 3-1. General.

No animal, other than common household pets, shall be kept in any townhouse within the Pinecrest community. Residents are required to clean up any mess created by household pets. This includes picking up all feces left on common and private property.

Section 3-2. Leash Laws.

All pets are to be on a leash at all times, in accordance with Fairfax County Ordinances.

Section 3-3. Noise.

Pet owners shall insure that pets do not bark, or otherwise make noise, to the extent that it becomes a nuisance to others.

Section 3-4. Common Areas.

Pets shall not be housed, or otherwise maintained, on common property.

Section 3-5. Liability.

Any person, who keeps and maintains a pet, expressly assumes any and all liability for any and all actions of the pet.

Article 4. Common Areas.

Section 4-1. General.

Common property areas are owned by Pinecrest Cluster and are for the enjoyment and benefit of all residents. This includes all grassy areas and parking lots in the community not designated as private property.

Section 4-2. Firearms.

Except for law enforcement officials, firearms and air guns are prohibited from being discharged on common property.

Section 4-3. Bicycles.

Bicycles are not to be driven in the parking lots.

Section 4-4. Structures on Common Grounds.

Residents shall not maintain structures or store personal property on common property. Residents shall not store personal property on privately owned grounds (e.g. front yards). Residents that have a Pinecrest Cluster or Reston Association approved structure (e.g. front yard fence) can store personal property as long as it cannot be seen from the street or parking lot.

- (a) Prohibited items: This includes, but is not limited to: slides, swing-sets, playground equipment, cooking grills, trash cans, lawn mowers, lawn equipment or tools, furniture, toys, bicycles, vehicles/motorcycles and any other items prohibited by Pinecrest Cluster or Reston Association covenants.

Section 4-5. Liability.

Residents are responsible for the actions and any damages their children and/or guests do to common property or other resident properties.

Section 4.6. Littering.

Residents and their guests are prohibited from littering on common property. This includes, but is not limited to, household trash, discarded cigarette filters, food wrappers, drink containers, building/construction materials, candy/ice-cream wrappers and any other miscellaneous garbage.

Section 4.7. Unauthorized Activity in Parking Lots.

Residents, children and their guests should refrain from performing any unauthorized activity in the common parking areas. The parking areas are to be used in accordance with the rules set in Section 7-2, Parking Rules and Regulations.

- (a) Unauthorized Activity: This includes, but is not limited to: loitering, playing games or any other activity not intended for operating a motor vehicle.

Article 5. Residences.

Section 5-1. Architectural Covenants.

Homes, fences, and other constructions are to be maintained in good order and in accordance with Pinecrest Cluster and Reston Association architectural covenants. These covenants shall be maintained and administered by the Pinecrest Cluster Covenants Committee.

Section 5-2. Property Maintenance.

Each lot and all improvements and landscaping thereon, shall at all times be kept and maintained in a safe, clean, wholesome and attractive condition and shall not be allowed to deteriorate, fall into disrepair or become unsafe or unsightly. In particular, no weeds, underbrush, or other unsightly growth, and no trash, rubbish, refuse, debris, or unsightly objects of any kind shall be permitted or allowed to accumulate on a lot.

Section 5-3. Landscape Standards

The Pinecrest Landscape Committee has documented a list of standards for the residents to follow in accordance with the HOA covenants. An attractive, well-maintained landscape improves the value of your property as well as enhances the beauty of your home and the neighborhood.

Maintaining a lawn in Virginia can be challenging due to soil condition, pests, water restrictions and weed growth. Many residents are new to the community, and may not be aware of what needs to be done to take care of their landscape. Please assess your own property and take steps necessary to correct any current lawn/garden problems.

Residents are required to follow the standards outlined below:

- (a) Cut your lawn to the proper height. Cutting grass too short allows the weeds to germinate better because they get more sun exposure. Leaving grass too tall encourages excessive thatch build-up which may lead to insect or disease damage. Water the lawn on an "as-needed" basis; when the blades start to curl in, this indicates the need for water.
- (b) Edging is required along sidewalks.
- (c) Trimming is required where applicable on your property, including but not limited to: around trees, along fences, front, rear and side walls, utility boxes, light posts and hydrants.
- (d) Please sweep clippings, bag them as you mow or blow the clippings back onto your lawn. Sweeping/blowing should be done on the sidewalks and parking lots if blown from your lawn. Do not sweep/blow clippings or leaves onto the street.

NOTE: Lawn waste pick-up for grass clippings, tree/palm branches, etc is every Thursday (Please use clear plastic bags).

- (e) Keep front area beds weeded and neat. Pull dead and declining plants and replace them as needed. Seasonal plants should be pulled when they are no longer healthy looking. You may choose to replace them with other perennials or add mulch/rock to area instead to maintain a neat appearance.
- (f) It is very important that you treat damaged or diseased areas as soon as possible to minimize the damage and to help prevent the problem from spreading to your neighbor. It may be necessary to hire a lawn service to replace sod or treat diseased areas. Make sure you ask how

the area should be cared for; watering and/or other treatments may be recommended. You may want to consider hiring a service to regularly treat your lawn through the year if you are unable to apply “weed/feed” type products yourself.

- (g) Plastic edging is not be used around garden beds. Natural colored concrete edging is the preferred alternative to plastic.
- (h) Front area beds should have mulch or rock around the plants.
- (i) Trim dead branches from trees to maintain a neat appearance.
- (g) Should a tree in your yard die or you need to remove it, please follow the Reston Association approved tree removal process. Removal of a tree requires approval from Reston Association and may require the planting of a new tree in its place.

Section 5-4. NWF Certified Wildlife Habitat.

Reston’s unique landscaping and design provides residents the opportunity to create a garden that attracts beautiful wildlife and helps restore habitat in residential areas. Residents who wish to create these non-traditional gardens are required to follow the direction and guidance of the National Wildlife Foundation and obtain a Certified Wildlife Habitat™ designation. More information, including how to implement the essential elements, can be found at the NWF website: <http://www.nwf.org/>.

Section 5-5. Noise.

Operating or permitting the use, or operation of any radio receiving set, musical instrument, television, or any other device for the production of sound between the hours of 11 p.m. and 7 a.m. the following day in such a manner as to be plainly audible across property boundaries or through partitions common to two persons within a building or plainly audible at fifty (50) feet from such device when operated within a motor vehicle parked on a public right-of-way or in a public place.

Article 6. Law Enforcement.

Section 6-1. Police.

The Fairfax County Police has been granted authorization to enter common property to enforce state and local laws, ordinances and regulations, including motor vehicle registration and licensing requirements and other motor vehicle laws.

Section 6-2. Animal Wardens.

The Fairfax County Animal Warden has been granted authorization to enter common property to enforce local animal control ordinances.