

## **Summary of Oldhouse Run Restrictive Covenants and Henrico County Ordinances**

(Unless otherwise indicated, references to the Oldhouse Run Declaration of Covenants, Conditions and Restrictions are designated "OHR"; references to sections of the Henrico County Code are designated by "HC Sec.") See also the Henrico County *Community Resource Guide* at <http://henrico.us/services/community-resource-guide/>

You may report any covenant violations to any member of the OHR Board. In addition, you may report zoning violations (any HC section beginning with "24") by calling the Henrico Division of Community Maintenance at 501-4757 or by submitting an on-line complaint form to Community Maintenance at <http://henrico.us/services/file-a-zoning-ordinance-complaint/>. Other problems may be reported to the Henrico police at 501-5000 or on-line at <http://www.henricopolice.org>

The full text of the Oldhouse Run Declaration of Covenants, Conditions and Restrictions is available at <http://www.oldhouserun.com/>.

### **1. General.**

a. No Lot may be used in a way that will injure the value of neighboring Lots or that constitutes a nuisance. OHR Art. V, Sec. 1.

b. The only structures that may be erected on a Lot are a single family dwelling and usual outbuildings, including a private garage. OHR Art. V, Sec. 3.

c. No trailer, basement, tent, shack, or garage, barn, or other outbuildings or structure of a temporary character, may be used at any time either temporarily or permanently as a residence. OHR Art. V, Sec. 4, Sec 5.

d. Architectural Control Committee/Enforcement. All plans for the construction and erection of any residence, outbuildings, or additions to any residence including structures as provided in the Declaration to be built on a Lot shall be submitted to the Oldhouse Run Association Architectural Control Committee for its approval. OHR Art. V, Sec. 7. "Structures" are anything constructed by an assembly of materials, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground. HC Sec. 24-3.

All conditions and restrictions shall be strictly complied with. The Oldhouse Run Association [or any owner, OHR Art. VI, Sec. 1] shall have the full right to enforce all restrictions and conditions by appropriate proceedings at law for damages and/or in equity for appropriate injunctive, and restraining orders to prevent violations, together with damages sustained. OHR Art. V, Sec. 7.

### **2. Vehicles: Trailers, Manufactured Homes, Inoperable Vehicles**

a. Travel, utility, or boat trailers.

1. One (1) travel, utility and/or boat trailer, as an accessory use, may be parked or stored in the rear, side yard, carport or garage on the same lot with the

principal use, provided it shall not be occupied for living or business purposes. The wheels or other transporting devices may not be removed, except for repairs, nor can the trailer be connected to any utility service, to the ground or any other structure in any manner that would prevent its ready removal. HC Sec. 24-102(2).

2. No trailer, or boat-trailer combination five feet (5') or more high shall be parked over twelve (12) hours in any one week on any lot or driveway so as be visible from the street. Can't be used be used as a residence, temporarily or permanently. OHR Art. V, Sec. 5.

3. No trailer with sleeping accommodations over five feet (5') in height shall be parked on any Lot. OHR Art. V, Sec. 4.

b. Manufactured Homes. One (1) unoccupied manufactured home may be parked or stored in an enclosed garage. HC Sec. 24-13; HC Sec. 24-102(1).

c. Trucks or commercial vehicles. No area may be used for parking any truck or commercial vehicle exceeding an empty weight of 5,000 pounds, except while loading or unloading. Open or enclosed space for parking one commercial vehicle, not exceeding an empty weight of 5,000 pounds is permitted. HC Sec. 24-11(i); HC Sec. 24-96.

d. Commercial enclosed or flatbed trailers, wreckers. Parking of any commercial enclosed or flatbed trailer or of any wrecker regardless of empty weight, is permitted only while loading or unloading. HC Sec. 24-11(i); HC Sec. 24-96.

e. Inoperable Vehicles. An inoperable vehicle is any motor vehicle, trailer or semi-trailer which is not in operating condition, does not display valid license plates, does not display an inspection decal that is valid, or does display an inspection decal that has been expired for more than 60 days or has an expired rejection decal. One inoperable motor vehicle can be kept on your property outside of a fully enclosed building if it is shielded or screened from view. Shielded or screened from view means not visible by someone standing at ground level from outside the property on which the vehicle is stored. Solid wood fences, walls and dense evergreen plantings of a sufficient height to screen the vehicle, are acceptable methods of shielding or screening when located in side or rear yards. Covering inoperable motor vehicles with tarps or car covers does not meet the requirements of the ordinance. HC Sec. 10-3. You may call Henrico's Community Maintenance Program at 501-4757 to report violations of the Inoperable Vehicle Ordinance or submit an on-line complaint form to Community Maintenance at <http://henrico.us/services/file-a-zoning-ordinance-complaint/>

**3. TV Antennas and Satellite Dishes.** Television and radio antennas and support structures, satellite dishes and amateur radio broadcasting and receiving antennas and support structures including guy anchors when used, may not occupy a front yard. HC Sec. 24-13(j); HC Sec. 24-95(i).

Note: In the Henrico Code, "Front yard" is a yard lying between the front lot line and the nearest part of the building or use, and extending across the full width of the lot. "Rear yard" is a yard lying between the rear lot line and the nearest part of the building and extending across the full width of the lot. Sec. 24-3.

**4. Sheds/Outbuildings.** Storage sheds must be of the same type and quality construction as the dwelling on any respective Lot. OHR Art. V, Sec. 3. Buildings and structures in rear yards shall not exceed 15 feet in height. HC Sec. 24-95(i)(2)(b).

**5. Swimming Pools.** swimming pools, open and unenclosed, may occupy a rear yard, provided they are located not less than ten feet from the nearest point of the principal building, not less than ten feet from any street or alley, not less than six feet from the rear lot line or less than ten feet from a side lot line measured from an interior pool wall, and may not be located within any county easement. HC Sec. 24-95(i)(2)(f).

**6. Fences, walls or hedges.**

a. Heights. No fence shall be permitted over four (4') feet high unless around a patio or swimming pool. OHR Art. V, Sec. 1. In a front yard, a fence, wall or hedge may not exceed a height of three feet, six inches (3' 6"). HC Sec. 24-95(l). In a side or rear yard (around a patio or swimming pool), six (6') feet. HC Sec. 24-95(l).

b. Types. No board fences permitted. Lattice, picket or ranch fences shall not be construed as being a board fence. No chain link fence shall be permitted to project closer to the front street line than the line of the rear main walls of the dwelling. OHR Art. V, Sec. 1.

c. Maintenance. The owner(s) of the lot shall continuously and properly maintain the fence, wall or hedge in good repair. HC Sec. 24-95(l).

**7. Use of Streets.**

a. Obstructing Streets. It shall be a class 1 misdemeanor to erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses, or any other type obstruction, in a road. HC Sec. 18-3.

b. Playing in Streets. No person shall play on a street. No person shall use roller skates, skateboards, toys, or other devices on wheels or runners, except bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorcycles, on streets. HC Sec. 22-2; Code of Virginia, § 46.2-932, § 46.2-100.

**8. BB Guns; Paintball Guns.** It shall be unlawful (a class 4 misdemeanor) for any person to discharge any airgun ("airgun" means any gun, rifle or pistol, by whatever name known, which is designed to expel a projectile by the action of compressed air or gas or by the action of a spring or elastic) from or across any street, sidewalk, alley or public land or public place in the county *or upon any land located within the boundaries of any residential district.* HC Sec. 13-61(b).

**9. Pets.**

a. Number, Private Kennels. Only three (3) pets per residence are allowed in a subdivision. A conditional use permit may be obtained to allow a private kennel in subdivisions. A private kennel is defined as a premises used by the property's occupants for the care of four or more dogs, cats, pets, fowl or domestic animals that are at least four

months old for non-commercial purposes. For more information on conditional use permits, contact the Planning and Zoning office at 501-4602. HC Sec. 24-12.

b. Dogs Running at Large. It is prohibited for any dog to run at large within the county at any time during any month of the year. A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any owner who permits his dog to run at large in the county shall be deemed to have violated the provisions of this subsection. HC Sec. 5-34(6). Call the police at 501-5000 and ask for the Animal Protection Unit.

- 10. Items in Yard.** Household appliances or furniture manufactured and sold for indoor use may not be placed in yards. Building materials may not be stored outside a fully enclosed building unless the materials are being used on the lot for agricultural operations or substantial and continuing construction activities. HC Sec. 94-95(m).
- 11. Grass Cutting.** Cutting of weeds and grass required. The owner shall cut the grass or lawn area when growth of such grass or lawn area exceeds 12 inches in height. HC Sec. 10-153(b).
- 12. Home Occupations.** Customary incidental home occupations, and the home office of a member of a recognized or licensed profession; provided that such occupations shall be conducted solely by resident occupants in their place of abode and provided that not more than the equivalent area of one quarter of one floor shall be used for such purpose; provided further, that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes and provided no stock-in-trade shall be kept or product sold, except such as are made on the premises; provided further, that there shall be no group instruction, assembly or activity or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. However, a home occupation shall not be interpreted to include beauty parlors, barber shops, convalescent or nursing homes, tourist homes or massage or similar establishments offering services to the general public. HC Sec. 24-13(d).
- 13. Roomers/Boarders.** Up to two (2) roomers or boarders in an otherwise private dwelling are permitted. HC Sec. 24-13(e).
- 14. Prohibited Noise.** It is unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise. Noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is prohibited. Violations include: Radios, phonographs and musical instruments. The playing of any radio, phonograph or musical instrument in such a manner or with such volume, particularly during the hours between 12:00 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence; Noisy animals. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity to such an extent as shall constitute a nuisance; Noisy exhausts. The discharge of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine into the open air except through a muffler or other device which will effectively prevent loud and explosive noises therefrom; Amplified sound from vehicles. The playing or operation, or permitting the playing,

use or operation, of any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated on a public street or alley, and which is audible from outside the motor vehicle at a distance of 50 feet or more. HC Sec. 10-72.

- 15. Garbage and Trash.** No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste must be kept in sanitary containers. OHR Art. V, Sec. 2.

Unlawful storage or accumulation of refuse. (a) *Prohibited storage or accumulation.* It shall be unlawful for any owner of property to allow the storage or accumulation of trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the county. (b) *Use of containers required.* All garbage, trash, refuse and litter shall be placed in watertight containers and be kept covered until transported to the county landfill or until taken from the premises by trash or garbage collectors or otherwise disposed of as permitted by law. HC Sec. 10-104.