

**Rules and Regulations
pursuant to the
Protective Covenants of Calmes Neck Estates**

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As amended May 27, 2000, November 6, 2004, March 11, 2017, and May 18, 2019.

**Rules and Regulations
pursuant to the
Protective Covenants of Calmes Neck Estates**

The Calmes Neck Property Owners Association (the Association) hereby publishes the following Rules and Regulations (the regulations) pursuant to Section 2 of the Protective Covenants of Calmes Neck Estates (the Covenants).

These regulations provide a detailed interpretation of the intent of the Covenants and of the Association to protect the natural character of the landscape and the right of each property owner and resident to undisturbed enjoyment of the development as a whole. They also serve as a guide to landowners in making plans that require the approval of the Association.

Each section heading cites [in brackets] the specific paragraphs in the Covenants to which each regulation relates.

Additions, amendments, or revisions to these regulations may be made at any time by the Board of Directors or by the membership under procedures described in the Bylaws of the Association. They become effective upon written notice to property owners.

Where reference is made to the "Association" in this document, it should be interpreted as if written "the Board of Directors of the Calmes Neck Property Owners Association or its designee."

DECLARED AND PUBLISHED this 27th day of May, 2000, by the Calmes Neck Property Owners Association.

As amended this 18th day of May, 2019

/s/ Karen Taylor

Karen Taylor, President

Calmes Neck Property Owners Association, Inc.

**Rules and Regulations
pursuant to the
Protective Covenants of Calmes Neck Estates**

INTRODUCTION

These Rules and Regulations (the regulations) are issued pursuant to Section 2 of the Protective Covenants of Calmes Neck Estates (the Covenants).

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1.1 USE OF LAND

1.2 Land use zones [Covenants 1(a), 5(a), 5(b)]

Calmes Neck Estates, a residential community, is portrayed on the map in Appendix A [deleted] (lots 1-97). The community includes an area (X) in which agricultural practices are permitted.

To maintain the quality of the human and wildlife environment, to preserve the natural amenities of the landscape, and to conserve natural resources, the land area of Calmes Neck will be managed in a manner compatible with the physical and ecological conditions of each parcel.

Before constructing any improvement or making any change in land use as set forth below, a property owner is required to submit a plan showing their intentions for approval of the Association. The Association will consider and approve such plans in conformity with the standards described below for each zone.

Consistent with intention of the CNES Covenants and Rules and Regulations, for purposes of Covenant 6(a), the term "improved lot" shall be determined by whether the change or addition constitutes a change in the land use from its natural state. The Board will consider the primary factors set forth below:

- (a) Will the proposed structure/building require approval of the CNPOA Board of Directors?
- (b) Will the proposed structure/building be permanent?
- (c) Will the proposed structure/building require a Clarke County building permit?
- (d) Will the proposed structure/building have a concrete or block foundation?
- (e) Will the proposed structure/building have a concrete or frame floor?

- (f) Will the proposed structure/building have electricity and/or plumbing?
- (g) What are the outside dimensions and floor space of the proposed structure/building?
- (h) What type of materials are to be used for the structure/building (e.g., colors, finish, etc.)?
- (i) Will the proposed structure/building be used for storage of items, including, but not limited to, vehicles, equipment, building materials?
- (j) Will the proposed improvement(s) be used for a future structure/building (e.g., road, well, septic, etc.)?

Situation dependent, the Board may ask additional questions for clarification.

1.2.1 Residential Zone

The Residential Zone includes all of the land of Calmes Neck Estates (lots 1-97) not separately designated as an Agriculture Zone below, and Hickory Knob.

The land, including vegetation and wildlife, should be left in its natural state with a minimum of disturbance by human activity. Exceptions, such as clearing for building, construction of roads and trails, and earth moving with heavy equipment, must be specifically approved in writing by the Association.

Areas of up to 1/2 acre per lot may be used for landscaping of home sites, and up to 1 additional acre for each 5-acre lot may be managed for special purposes.

1.2.1.1 Landscaped or cultivated areas

The land may be cultivated to grow gardens, orchards, or tame grasses for harvest, provided adequate conservation practices are used; or may be landscaped with tame or exotic plants established by planting and maintained by cultural practices. Within the Residential Zone, no land may be cleared and cultivated except by specific written approval of the Association.

1.2.1.2 Managed areas

Up to 1 additional acre for each 5-acre lot may be managed for special purposes with specific written approval of the Association. Natural vegetation may be controlled and manipulated to produce or maintain specific land-use results, such as open parklike areas, pasture, meadow, special wildlife habitat, and the like. The land should be kept in permanent cover with native plants and natural appearance prevailing. The planting of introduced or exotic trees and shrubs is discouraged in this zone; tame pasture and meadow grasses may be used.

1.2.2 Agricultural Zone

The Agricultural Zone includes the open area at the tip of Calmes Neck (area (X) on the map [deleted]), including the formerly platted lots 45 to 63 except for the Recreation Area.

The land may be plowed and cultivated to grow crops, gardens, orchards, or tame grasses for harvest, provided adequate conservation practices are used; or may be landscaped with tame or exotic plants established by planting and maintained by cultural practices.

In the Agricultural Zone, land of appropriate capability may be cultivated without specific written approval of the Association.

1.3 [Deleted 1.2 and Appendix A on March 11, 2017. See Rules for Common Areas of the CNPOA]

1.4 Livestock and poultry [Covenant 1(c)]

1.4.1 Within the Residential Zone, the keeping of any animals other than household pets must be specifically approved in writing by the Association. The Association will not approve the keeping of grazing or browsing animals within this zone. Such livestock must be confined to the Agricultural Zone.

1.4.2 Within the Agricultural Zone, a property owner or lessee may keep not more than 1 horse or cow or 5 sheep or goats for each 2 acres of tame or improved pasture.

1.4.3 Dogs and other household pets must be controlled in accordance with Clarke County law—they must not be allowed to run at large when off the owner's property or on a public roadway. They must be on a leash or under direct control of a responsible person when off the owner's property.

1.4.4 Domestic animals and pets must be inoculated for diseases and must be cared for in a sanitary and humane manner.

2.0 CONSTRUCTION PLANS

2.1 Submission of plans [Covenant 3(d)]

2.1.1 Before any building, fence, road, or other permanent structure, or any camp site or temporary building is started, the property owner must present to the Association a written description of the proposed work, including a plat of the lot(s) showing the approximate location of the construction and the expected extent of the area to be affected by clearing and grading. This information may be in the form of a letter, a narrative statement, or may be on the form titled "Preliminary Construction Plan", as illustrated in Appendix B.

2.1.2 A representative of the Association will discuss the proposal with the property owner and, if considered necessary, review the plans on the site with the owner. Upon reaching an oral agreement, the Association will approve the plans in writing with appropriate notation of amendments, if any.

2.1.3 For a house or other major structure, more detailed plans ordinarily will be required (see Appendix C). In such a case, if the site location and general concept are acceptable, the Association will approve the proposal "for planning." The owner will be required to submit:

2.1.3.1 architect's drawings or other detailed drawings that show floor plans and side elevations to scale and the general appearance of the completed structure;

2.1.3.2 specific information about outside dimensions, floor space, materials to be used, and exterior colors and finish;

2.1.3.3 the type of sewage disposal system to be installed; and

2.1.3.4 a sketch map of the site drawn to a scale of 1 inch equals 50 feet or larger showing in detail the locations of buildings and other structures, cleared and graded areas, and other pertinent features.

2.1.4 After discussion to reach a mutual understanding on the plans, the Association will respond in writing. If the plans are not formally disapproved in writing within 60 days after the recorded date of submission of the complete set of plans, or any revision requested in writing, they are deemed to be approved and the requirements of paragraph 3(d) of the Uniform Protective Covenants fully complied with.

2.2 Dwelling houses (permanent residences) [Covenants 3(c), 3(d)]

2.2.1 Final building plans and specifications for any dwelling houses submitted for approval of the Association must contain the minimum information required for application for a building permit in Clarke County and final approval of the plans by the Association is contingent upon the issuance of such building permit by the county.

2.2.2 The architectural design, materials, colors, and general appearance of the proposed building must fit the topography and harmonize with the natural surroundings of the site. Features such as the following will be considered reason for disapproval of plans: obtrusive shapes; garish colors; an excess of exposed and undisguised metal, plastic, or other synthetic materials.

2.3 Temporary or detached buildings and campsites [Covenant 3(e)]

2.3.1 Any temporary or detached structure must be located out of sight of any public-access road or any other occupied residence. Any temporary structure for occupancy before construction of a permanent residence or temporary or detached structure for use for storage or for shelter of domestic animals must be fully described to the Association and approved in writing before construction begins. Neat appearance, inconspicuous colors, substantial and native materials or those harmonious with the surroundings, and workmanlike construction will be considered favorable for approval. The probable duration of the structure and the possibility of it becoming a permanent part of the development plan will be taken into consideration. The statement of approval will contain agreed-upon terms as to duration of the structure, its removal or conversion, and other conditions to be met.

2.3.2 Any campsite for continued recreational use must be located out of public view, be equipped with safe fireplace and sanitary toilet facility adequate for the use to be made of it, and be established with a minimum of clearing and disturbance to the landscape. Any structures must be approved in advance under the terms of the foregoing paragraph.

2.4 Mobile homes and house trailers [Covenant 3(f)]

2.4.1 A mobile home or house trailer may not be used as a residence in lieu of a permanent dwelling house that meets the standards of the Covenants.

2.4.2 With the prior permission of the Association, and in accordance with an official permit issued by the authorities of Clarke County, a property owner may use a mobile home or house trailer as a temporary residence while constructing an approved permanent house, and may continue to park the unoccupied mobile home or house trailer on his/her property, under the same conditions as a temporary structure as provided in paragraph 3(e) of the Covenants and section 2.3 of these regulations.

2.4.3 A property owner may permit transient or temporary guests to park and use a house trailer or camper within the boundaries of his/her property in accordance with ordinances and regulations of Clarke County. Prior permission of the Association is required to park on a public-access road or a common-use area.

2.4.4 A tent-trailer or pickup camper may be used under the same conditions as a tent for short-term camping. A property owner may give permission for such use on his/her property without consulting the Association.

2.5 Fences [Covenant 3(d)]

2.5.1 No fence may be constructed for the sole purpose of decoration or marking a property boundary. No decorative or boundary fence will be approved in the Residential Zone.

2.5.2 Before building any permanent-type fence, the property owner is required to submit a plat map showing its proposed location along with information about materials and type of construction to be used and a statement of the purpose and need for the fence. The Association will approve such fences only as necessary to enclose cultivated fields and pastures, to restrain household pets, or to protect a garden plot, landscaping around a house, or other special area threatened with damage by livestock or deer. Association approval is not required for temporary fences to protect against browsing wildlife within landscaped area as defined in 1.1.1.1.

3.0 PRESERVATION OF NATURAL ENVIRONMENT

3.1 Cutting and trimming of trees and shrubs [Covenant 5(a), 5(b)]

3.1.1 Trees must not be cut nor underbrush cleared except

- (1) as necessary to accomplish construction,
- (2) in areas approved in accordance with section 1.1.1 of these regulations for landscaping of home sites or managed for special purposes,
- (3) dead trees or trees threatening homes, or
- (4) single trees, previously marked and approved by the Association, to be used on the property or removed to improve the forest stand or wildlife habitat. Timber is not to be harvested for sale. This does not preclude the sale of trees removed as provided above with the approval of the Association or in the course of clearing a building site approved by the Association

3.2 Erosion control [Covenants 5(a), 5(b)]

3.2.1 Drainage from rooftops, gutters, driveways, and other areas must be managed to avoid erosion.

3.2.2 Any cultivated land must be protected from erosion by appropriate conservation practices according to its capability class as recommended by the Lord Fairfax Soil Conservation District.

3.3 Sewage disposal [Covenant 5(c)]

3.3.1 Each permanent residence must be equipped with a septic tank and filter field that meet the specifications of the state and county health departments or with other independent sewage disposal system approved by the Association and by local health authorities.

3.4 Outdoor fires [Covenants 5(a), 5(b)]

The forest fire laws of Virginia hold a person liable for the cost of suppressing any woods or brush fire for which he or she is responsible and for damages resulting to the property of others. Penalties under the law vary according to whether such fires are determined to have been set "maliciously," "intentionally," "carelessly" or "without taking reasonable precaution."

The following regulations are established to guard against uncontrolled fires on Calmes Neck. Any violation of good fire-prevention practice or the existence of any unusual fire hazard should be reported promptly to the Association.

3.4.1 Any person residing, camping, or visiting on Calmes Neck is expected to take such precautions as are reasonable or necessary to avoid setting fire to woodland, brush land, or grass.

3.4.2 Any chimney of a fireplace in a house, an outdoor fireplace, barbecue pit, or incinerator must be fitted with a screen to prevent the escape of burning materials.

- 3.4.3 The regular burning of household trash must be done in an incinerator or firebox that has been inspected and approved for this purpose by the Association.
- 3.4.4 No open fire may be built outdoors except in a properly constructed fireplace, firebox, fire ring, or prepared area of bare soil in a location free of brush, grass, or debris capable of carrying fire to buildings or flammable vegetation. It is unlawful to set an outdoor fire within 300 feet of any woodland or brush land during the period of February 15 to April 30 except between 4 PM and midnight.
- 3.4.5 Any outdoor fire must be attended constantly by a responsible person and must be extinguished or safely confined before being abandoned.
- 3.4.6 The Association and the Virginia Department of Forestry must be notified before starting any unusual outdoor fire, such as a bonfire, brush pile, or large amounts of trash or refuse.
- 3.4.7 No outdoor fire may be set during any period declared by state forest fire authorities to be a time of extreme fire hazard. When possible, the Association will post notice of any such officially declared fire hazard period. When local conditions justify, the Association may declare a state of extreme fire hazard and the same restrictions on outdoor fires will apply within the boundaries of Calmes Neck Estates as if declared by state authorities.

3.5 Firearms and hunting [Covenants 5(a), 5(d)]

- 3.5.1 No hunting or trapping of wild animals, or shooting of firearms, may be practiced within Calmes Neck Estates.

3.6 Chemical pesticides [Covenants 5(a), 5(d)]

- 3.6.1 The use of chemical pesticides hazardous to humans or other animal life must be kept to a minimum consistent with good husbandry of domesticated plants and animals, and then used only in accordance with instructions on the labels and with current recommendations of state health and agriculture departments.
- 3.6.2 Pesticides are to be applied only by methods and at times that will prevent their affecting vegetation or animal life outside the property owner's boundaries. Special precautions must be taken when dealing with chemicals that caution of "Environmental Hazards" on the label.
- 3.6.3 Killing of trees or undergrowth with herbicides must be approved in advance by the Association the same as any other clearing.
- 3.6.4 No pesticides may be sprayed from aircraft, for example, for gypsy moths, without written permission of the Association, regardless of whether initiated privately or by a government agency.

3.6.5 The following substances may not be used without specific written approval of the Association. Such approval will be given only upon recommendation by a qualified specialist to control a specific crucial problem. This list may be updated from time to time as new substances or trade names are introduced. The substances to be avoided are:

Arsenic, mercury, lead, and their compounds.

Chlorinated hydrocarbons such as DDT, dieldrin, endrine, aldrin, BHC or lindane, chlordane, mirex, dicofol, dinocap, and taxophene.

Organic phosphates such as parathion, TEPP, dimethoate, and demeton.

Carbamates such as carbaryl (Sevin) and methyl carbamates. Herbicides containing amitrole, 2,4-D, 2,4,5-T, and PCP.

Fungicides containing captan, PCP and PCNB, and organic mercury compounds such as PMA.

3.6.6 An advisory list of substances that may be used without special permission is included in Appendix D. These substances are of generally low hazard to humans and most wildlife. They should be applied carefully, however, and only to the extent really needed.

3.7 So as not to interfere with others' enjoyment of the night sky, and to minimize the impact of light pollution on the natural environment, the following restrictions are placed on artificial lighting visible from Calmes Neck Lane or from other properties.

3.7.1 Exterior lighting should be used only for short intervals and should not be left on overnight. Lights governed by motion detectors are acceptable.

3.7.2 Lighting to mark walking paths or driveways should be shielded and of low intensity. Lighting for the purpose of marking a property or showing off its features are not permitted.

3.7.3 High intensity exterior lights are not permitted.

Appendix B

**Calmes Neck Property Owners Association, Inc.
PRELIMINARY CONSTRUCTION PLAN**

Lot # _____

Type of structure _____

PRELIMINARY SITE PLAN

Show on a copy of the plat of the lot(s) the approximate location of the proposed building or structure and the expected extent of the area to be affected by clearing and grading. Briefly describe unusual or valuable natural features of the site and measures to be taken to protect them.

BUILDING PROPOSAL

Describe briefly the proposed building, with emphasis on the design concept and its relation to the physical and visual environment.

Applicant's signature _____

Date _____

ACTION TAKEN (for use of the Association)

Date received by the Association _____

Reviewed by _____

Date _____

Suitability of site for proposed structure _____

Comments:

Date approved for planning _____ ; for construction _____

Special conditions:

Signed _____

Calmes Neck Property Owners Association (Please make a copy for your records)

Calmes Neck Property Owners Association, Inc.
DETAILED SITE AND BUILDING PLAN

Lot # _____

Type of structure _____

Name and address of architect

Name and address of builder

SITE PLAN

- 1. Show on a copy of the plat of the lot(s) the area to be affected by clearing and grading, location of the building, and related roads and other structures.
2. Submit a sketch map of the affected area, on a scale of 1 inch equals 50 feet or larger, showing in detail the locations of buildings and other structures, cleared and graded areas, and other pertinent features.

BUILDING PLAN

- 1. Submit architect's drawings, or other drawings and blueprints that will be the basis of contract with builder or guide to construction. (These will be returned.)
2. Provide information indicated on page 2 of this application. Additional information may be given in narrative form if desired.

Does your agreement with the builder provide for removal, not burial, of construction waste such as cardboard, insulation, plastic and metal? ___Yes ___ No

Applicant's signature _____

Date _____

ACTION TAKEN (for use of the Association)

Date received by the Association _____

Reviewed by _____

Date _____

Suitability of site for proposed structure _____

Comments:

Date approved for planning _____ ; for construction _____

Special conditions:

Signed _____

SITE AND BUILDING PLAN

FLOOR PLAN

Main floor: _____ sq.ft. List rooms _____

Lower level or basement: _____ sq.ft. List rooms _____

Upper level Area: _____ sq.ft. List rooms _____

Total floor area exclusive of decks and porches: _____ sq. ft.

Area of decks and porches: _____ sq. ft.

Maximum length _____ ft. Maximum width _____ ft.

MATERIALS AND COLORS

Exterior walls _____

Roof _____

Floors _____

Decks/porches _____

Other _____

SEWAGE DISPOSAL SYSTEM: (briefly describe and show location on site map)

UTILITIES: _____

OTHER: _____

Specify the minimum distance between planned structure and
(1) a common-access road _____ (2) the nearest adjoining lot _____

What steps will be taken to screen the structure from view from common roads or dwellings on adjoining lots?

How does your driveway design provide for the drainage of water where the drive meets the common- access road?

Appendix D

Calmes Neck Property Owners Association, Inc.

Advisory List of Substances That May Be Used Without Special Permission

The following substances are of generally low hazard to humans and most wildlife and may be used without special permission. They should be applied carefully, however, and only to the extent really needed.

1. Botanical sprays and dusts:
Pyrethrum, available as D-Con House and Garden Spray, Raid House and Garden Spray, Ortho Home and Garden Insect Spray, Aerosect. (Very toxic to fish and other aquatic organisms but breaks down quickly in soil.)
Rotenone, available as Ortho Rotenone Spray and Dust. (Toxic to swine, very toxic to fish and earthworms; breaks down quickly in soil.)
Ryania, available as B.D. Tree Spray, Tri-Excel DS.
2. Fungicides:
Boreaux mixture (copper sulfate and lime). (Toxic to fish and other aquatic organisms; does not break down quickly and can accumulate in the soil.)
Wettable sulfur.
3. Oil Sprays:
Dormant oil, available as scalecide.
Summer oil, available as Ortho Volck, Sunoco summer oil.
4. Biological controls:
Milky spore disease, for grubs in soil, available as Doom.
Bacillus thuringiensis, for caterpillars, available as Thuricide or Biotrol.
Predatory insects, such as ladybugs, praying mantids, Trichogramma wasps, and others.
5. Other acceptable materials for restricted use:
Malathion, methoxychlor.
Warfarin for rats and mice.
Dessicants, such as Drione, D-Con Warpath, Perma Guard, and Dri-Die, for cockroach control.