

# **ARCHITECTURAL REGULATIONS**

## **ADMINISTRATION OF THE PROJECT:**

The maintenance, repair, replacement, operation and general management of the Common Area and those acts required of the Association shall be vested in and be the responsibility of the Association. The enactment of any rules and regulations specific to the project, the establishment of a budget for items specific to the project and the exercise of any power and duty permitted by its Bylaws shall be vested in and be the responsibility of the Association. Such administration shall be pursuant to the Declaration, Bylaws and the Articles of Incorporation of the Association and these Architectural Regulations.

## **MEMBERSHIP:**

Each owner, upon acquiring title to his or her lot, shall automatically become a member of the Association and shall remain a member thereof until such time as his or her ownership of such lot ceases. No person holding any lien, mortgage, or other encumbrance upon any lot shall be entitled, by virtue thereof, to membership in the Association or to any of the rights and privileges of such membership.

## **ARCHITECTURAL REQUIREMENTS**

These guidelines have been adopted to promote harmonious community development to benefit all residents, and to support, assist, and expedite the review and approval of applications by the Architectural Review Board.

1. The purpose of the Architectural Requirements is not intended to impose a specific type or style and individuality is encouraged. No dwelling design will be approved that is in conflict with the Guidelines or that is highly stylistic with overstated eclectic design elements, overly mixed styles, insufficient stylistic theme or treatment, or is not in keeping with the neighborhood. No dwelling will be approved that is similar in exterior elevations or colors to any other dwelling that is located on a lot adjoining or across the street from the applicant's lot.
2. Height of Dwelling: No structure shall be erected, altered, placed or permitted to remain on any lot other than one (1) detached single-family dwelling, not to exceed two and one-half (2 1/2) stories in height, including an attached garage for not less than two cars. No garage apartment or similar structure shall be permitted.
3. Minimum Size of Dwelling: Except as otherwise expressly provided herein, no detached residence shall be erected on any lot with less than (Village A also known as "The Oaks"): 2300 square feet of living space on the first floor in the case of a one-story building or less than 2600 square feet of living space in the case of more than one story and (Village B also known as "The Bluff") 2500 square feet of living space on the first floor in the case of a one-story building or less than 2900 square feet in the case of more than one story. Square footage of finished basements can be used for calculating total square footage of the home at a rate of one-half (1/2) square foot for each finished square foot of basement using the following guidelines: The basement is finished to the same standards as the rest of the home; The home will be considered a two story home for purposes of the square footage

requirements; the basement must be finished at the time the certificate of occupancy is issued for the dwelling.

4. The term "living space" as used herein shall be determined by exterior perimeter measurements exclusive of garage, porches, decks, and breezeways. A minimum two car garage is required. No dwelling erected upon any lot shall be occupied until a Certificate of Occupancy has been issued.
5. Foundation types: All foundations must be constructed on a crawl space or basement.
6. Exterior Finishes: The foundation walls of a home shall be constructed using brick or stone. The color of the brick shall match the brick walls and/or be compatible with the paint color of wood siding and the color of vinyl siding. Concrete parge shall not be permitted.

Materials: Exterior walls may be finished with brick, "HardiPlank" siding, Vinyl Shakes, Stone, and Vinyl Siding. Mixtures of the above listed materials will be reviewed and approved or denied at the discretion of the ARB. All vinyl siding shall be submitted for approval by the ARB before installation. Vinyl Siding shall be installed on not less than 7/16" OSB or Exterior Grade Plywood Sheathing. Log homes are not allowed.

- (a) Fascia, Rake, Frieze, and other Structural/Trim Elements. Fascia, Rake, Frize Boards and other trim and decorative elements shall be wood, "HardiPlank" siding, or vinyl. Fascia, rake, and frieze boards may be clad in prefinished aluminum or vinyl. The use of Wood or Vinyl Shakes or Rounds as trim or accent elements will be considered. The size of the elements shall be in proportion to the total mass of the dwelling unit.
- (b) Roof Finishes: Roofs may be covered with Architectural Grade Asphalt/Fiberglass Shingles, Cedar Shingles/Shakes, Slate, Imitation Slate, and Concrete Shingles. Asphalt/Fiberglass shingles shall have a minimum 20 year warranty, shadow line, and be algae resistant shingles. Tile, copper, and metal roofs will be considered by the ARB; however, approval will be dependent on the appropriate use of the materials in the overall design and use may be denied. All exposed flashing shall be prefinished metal or copper.
- (c) Through the wall individual room mechanical systems are permitted; however, no portion of the unit may be visible from any adjoining lot or property. Screening must be part of the architectural design of the home. The exterior screen of the unit may be done in conjunction with landscape materials; however, landscaping materials can not be the sole source of the screening of through the wall individual room mechanical systems.
- (d) Exterior Colors: Combinations of colors must be complimentary. The use of pastels, bright colors, or jarring colors is discouraged and will generally not be approved. Identical or similar exterior color palettes shall not be permitted on dwellings on any adjacent or diagonal lots. The site relationship of the exterior colors is subject to final approval by the ARE.
- (e) Wood Decks, Porches, Steps: Wood Decks, Porches, screened porches, etc, located in rear yards, may use unfinished pressure or salt treated materials for decking, steps, handrails, posts.

- (f) Foundations of all front porches must be of the same material as the home's foundation. Architectural Review Board approval is required prior to installation.
  - (g) Sunrooms/Screened Porches and similar additions: The exterior finish shall match the house and must be the same materials and color as the dwelling. If a sunroom, porch, or similar dwelling addition is added to the dwelling, the owner must make application to the ARB and receive approval prior to starting construction.
7. Outside Stairways. No outside stairway shall be permitted to any second floor
  8. Chimneys and Fire Boxes: Chimneys and fire boxes shall be finished with brick or stone. No exposed prefabricated fireplace flues shall be visible from the front view of the dwelling. Exterior wall finish, trim, and roof must be the same as on the exterior of the structure it is located on. The location and material of the exterior chimney and fireplace structure must be approved by the ARB.
  9. No irrigation lines are to be located in the right-of ways.
  10. Temporary structures: no trailer, tent, shack, garage, barn, or other structure shall, at any time be used as a residence, temporarily or permanently, on any lots, nor shall any structure be moved onto or constructed on any lots unless it shall have been approved in writing by the ARB.
  11. Windows, screens, storm windows, and storm doors: Windows must be double pane glass and shall be wood, wood clad, or vinyl pre-finished materials that compliment the color of the dwelling and shall be approved by the ARB. No aluminum windows or storm windows shall be permitted. Window screens must match the color of the windows. Storm doors require an ARB approval and must be "full view" glass.
  12. Awnings: Awnings may be permitted on the rear elevation. Awnings shall be either canvas or polymer blend materials. Awnings and awning colors are subject to approval by the ARB. Colors shall compliment the approved existing colors of the structure. Metal awnings shall not be permitted.

#### **Application Procedure**

1. General: Before commencing the construction, erection, or installation of any building, fence, wall, animal pen or shelter, exterior lighting, sign, mailbox or mailbox support, any improvement or any other structure on any lot or parcel, including any site work in preparation therefore, and before commencing any alteration, enlargement, demolition or removal of an improvement or any portion therefore in a manner which alters the exterior appearance (including but not limited to paint color and roof color and material ) of the Improvement or of the lot or the parcel on which it is situated, each Owner shall submit to the ARB a completed application on the form provided by the ARB (the application), a proposed construction schedule, and at least three sets of plans and specifications of the

proposed construction, erection, installation, alteration, enlargement, demolition, or removal, which plans and specifications shall include unless waived by the ARB the following:

2. Site plan: A site plan shall be provided that shows the size, location, and configuration of all improvements, including driveways and landscaped areas, set back lines, buffer areas, silt control fence, trash receptacle, and other features provided under the zoning ordinance or the guidelines adopted by the ARB. The site plan shall include the existing trees and any other information that the ARB at its discretion shall require.
3. Landscaping: The number of landscaping shrubs, plants, and/ or ground cover to be installed shall at a minimum meet the minimum requirements as adopted from time to time by the Federal Housing Administration and these ARB guidelines. Continuous foundation planting along all foundations, stoops, and porches that are located on a street is required. Foundation plantings may be broken for driveways, walks, and steps. Shrub plants must be specified and planted at not less than one gallon size and type of mulch must be noted. Plan must show locations of trees and location of those that are to be retained. Owners must make application to alter the approved landscape plan. No application is required if the landscaping alterations pertain to landscaping within a fenced yard and not visible to the public.
4. Architectural plans of the Improvements: Plan must provide exterior elevations, construction materials, exterior colors, and driveway material. The owner shall submit a material sample board attaching samples of all exterior building materials, colors, and finishes. All builders applying for a sales model shall be advised that temporary features such as French doors, sliding glass doors, or any temporary exterior measure used to convert the garage into model/sales offices, as well as fences, flags, signs, shall be removed and dwelling shall be restored to the approved plan before home is transferred to third party buyers.
5. A sediment and erosion control plan showing the location of all silt fencing, construction entrance, and other erosion and sediment control elements. Any application that includes land disturbance must include a copy of the city's land disturbance permit and certification that the applicant will maintain the erosion and sediment control devices until a full stand of grass has been established.
6. The Declaration provides that the ARB may exercise its sole discretion in determining whether to approve or disapprove any Plans, and the ARB may disapprove Plans for Improvements notwithstanding that the layout, design and other aspects of such Improvements are the same or substantially the same as the layout, design and other aspects of Improvements approved by the ARB for another Lot or Parcel.
7. Construction Process. All construction, landscaping, or other work which has been commenced on any Lot shall be continued with reasonable diligence in accordance with the construction schedule approved by the ARB. No partially completed house or other improvement shall be permitted to exist on any Lot, except during such reasonable time

period as is necessary for completion. The Owner of such Lot shall at all times keep contiguous public streets free from any dirt, mud, garbage, trash or other debris resulting from any such construction on his Lot. All trash and debris shall be stored in an approved trash storage facility, which shall be covered and constructed in a manner to contain trash and debris and to prevent it from blowing onto the Lot and adjoining property. No dwellings may be occupied until York County has issued a Certificate of Occupancy and all requirements of ARB approval are completed.

8. **Special Rules Applicable to Certain Neighborhoods.** The ARB may adopt different criteria to specific neighborhoods, taking into account any unique features of such neighborhood including, but not limited to, location, density and size of dwelling. Such criteria may differ from the general criteria specified in this document.

#### **Site Requirements:**

1. **Site Coverage Ratios.** No dwelling area (excluding decks) shall occupy more than fifty percent (50%) of the gross developable area of the Lot, including buffer area. No improvements, including but not limited to dwellings, patios, paved driveways, sidewalks, etc., shall have a total impervious surface area greater than sixty percent (60%) of the developable area of the lot, including buffer area.
2. **Removal of Trees.** No trees larger than three (3) inches in diameter at a point measured sixty (60) inches off the ground shall be removed from any Lot unless such removal is approved by the ARB. No flowering trees (such as dogwood or redbud) larger than three (3) inches in diameter at a point measured sixty (60) inches off the ground shall be removed from any Lot unless such removal is approved by the ARB. The following procedures shall be followed when removing trees for new construction:
  - 1) The corners of the structure or dwelling shall be marked by stakes and the footprint of the structure or dwelling shall be outlined on the ground using painted lines connecting the stakes.
  - 2) All trees to be removed must be "flagged" by removable flagging tape.
  - 3) Before any trees may be cut and/or removed, the Owner or the Owner's representative must notify the Association's Property Manager to arrange an on site inspection by an ARB member to review the proposed tree removal for such Lot. Only those trees that are approved for removal by the ARB member may be removed.
3. **Lawns:**
  - 1) **Sod:** Sod shall be installed in the front yard to produce a finished front yard. In addition, sod shall be installed in the side yard if the lot is a corner lot. In front yards, sod shall be placed from the front fascia of the dwelling unit, except for planting beds, and shall continue to both side property lines and shall adjoin the street edge. For corner lots, sod shall be placed on all side yards that face the street up to the street edge from the side elevation of dwelling unit to the rear property

- line excluding planting beds. While encouraged, sod is not required to be installed in any other yard area.
- 2) Seeded Yards Areas: Any yard area that is not sodded shall be graded to finished grade, and seeded with grass. If there are no trees or not a substantial number of trees (as determined by the ARB) in the backyard, the entire backyard must be graded and seeded with grass to produce a finished backyard.
  - 3) Fences: All fences must be within the appropriate set-backs and must be approved by the ARB prior to installation.
  - 4) Lawns shall be cut to maintain a uniform appearance. The lawn shall not exceed 4" in height. Builder lots shall be cut regularly and grasses shall not exceed 12" height.
4. Driveways: No driveway shall be constructed or maintained on any Lot so as to obstruct the normal drainage of the street on which said lot fronts and to that end, such driveway shall have an apron of proper design. Asphalt or gravel driveways are not permitted.
  5. Sidewalks: Sidewalks may be required by York County, the developer, or as a condition of the ARB's approval of the application. If required, concrete sidewalks shall be four (4) inches thick, four (4) feet wide, 3,000 psi concrete, and shall be installed within the street right-of-way. Generally and unless directed differently, sidewalks shall be installed five feet from the back of the curb, have control joints at 4 foot intervals, and expansion joints every 20 feet. Handicap accessible ramps shall be installed at the corners of all street intersections where sidewalk is required. Handicapped accessibility ramps shall be constructed to meet or exceed the requirements of building codes and / or federal, state, and / or local codes, ordinances, regulations, standards, etc. Sidewalks shall be part of the site plan submitted with the application. No sidewalk shall be constructed or maintained on any lots in such a manner as to obstruct normal passage of pedestrians.
  6. Fencing: All fencing requires the written consent of the ARB. Generally, on all lots other than corner lots, no fence shall extend more than 6 feet in front of the rear corner of the house. On all corner lots, no fence shall be installed more than 6 feet in front of any rear line of any house and within the side yard setback of the adjoining street. No fence shall be more than six feet in height. Fencing material shall be wood, PVC, aluminum, or wrought iron. All bracing and supports and structural members must face the interior of the lot. Barbed wire, chain link and all wire fences are specifically prohibited. Except as specifically approved by the ARB, all fences shall run along the lot line(s) and shall fully comply with applicable law as to construction, design, height, location, and /or other requirements.
  7. Wells: No well shall be installed, used, or maintained on any Lot for human domestic water consumption, nor shall any well be connected in any manner whatsoever to the water mains, laterals, and piping serving the dwelling, which mains furnish domestic water from sources beyond the boundaries of the lot. A county permit for any such well shall be attached to the application and shall be prerequisite to any ARB approval.

If approved, ARB approvals will be expressly conditioned on the requirement that the well water shall be sufficient quality so as not to discolor any of the elements of the built environment, including without limitation, sidewalks, streets, fences, and vegetation.

8. Mailbox: Mailboxes shall be approved by the ARB at the time the dwelling plans for the first Lot in the neighborhood are approved. No mailbox shall be placed or maintained on any Lot that does not conform in size, detail, or color to those originally approved by the ARB, unless the Owner obtains approval for the same from the ARB. No permanent structures (i.e. with/without foundation) will be allowed within the public right of way unless written approval for the same is obtained from VDOT prior to submission of the Application for ARB consideration. Standard mailbox support poles will not be considered "permanent" structures. Newspaper boxes must be located on the same support pole as the approved mailboxes and must be plain white in color. No more than one newspaper box may be attached to the mailbox support pole.
  - 1) Mailbox criteria: The required mail box and post is as follows: Aluminum post with white finish #153073; Aluminum mailbox with white finish #153076.
9. Signs. No sign of any kind shall be displayed to the public view on any lot except one (1) sign of not more than six (6) square feet advertising the property for sale or rent, signs preapproved by the ARB to be used by the builder to advertise the property during the construction or sale period, or one (1) sign of not more than six (6) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general, or special election, provided that such political signs shall not be placed on a Lot earlier than sixty (60) days before such elections and shall be removed within two (2) days after such election.
10. Antenna, Satellite Dishes and Similar Devices:
  - 1) No television or other antennas are permitted.
  - 2) One satellite dish antenna may be erected on any Lot. Such dish antenna must not be visible from any street; be screened from view of any adjoining Lot(s), Streets and/or Common area:
    - (1) Eighteen inches or less Diameter Dish. This size dish may be located on the rear of the house either just below the roof ridge or on the fascia board below the roof eaves. The dish may be located within the rear yard. When located in the rear yard, the dish must be screened from view from any adjoining property. Screening shall be with landscaping shrubs of sufficient height and density, at time of planting, to prevent view of the dish. Any cable associated with satellite dish or antenna shall be buried or shall not be visible on the structure to which it is attached or extended. Owners that comply with the requirement of this paragraph are not required to obtain ARB approval before installation of the satellite dish. Owners that deviate from these guidelines are required to make application to the ARB for a variance from the Guidelines. The ARB is not required to approve a

variance from this paragraph if it can be demonstrated that the owner can reasonably comply with the requirements of this paragraph.

11. Above ground swimming pools will not be permitted. In ground swimming pools require an application, must be fenced in using fencing approved by the ARB and such pools must be screened from view. No portion of the pool or surrounding deck may be placed within any public or private easement.
12. Setback restrictions
  - (a) Swimming Pools. No swimming pool or element of a swimming pool shall be constructed or maintained within ten (10) feet of any lot line, any sideyard setback, or any public or private easement.
  - (b) Minimum side yard setback requirements shall of the GREATER of ten feet from property line or as specified by zoning restrictions.
13. Sheds and Storage Facilities. Sheds and similar storage facilities are generally discouraged and unacceptable due to the visual impact on the environment of other owners. Sheds and similar storage facilities constitute permanent structures and require an Application and must comply with the following requirements:
  - 1) The storage building must be placed inside the rear fenced yard within the building line shown on the site survey.
  - 2) The storage building shall be of wood frame construction with roof pitch to match the house (No metal buildings are allowed.).
  - 3) The exterior materials used on the storage building shall match the exterior finish of the house in all aspects (material, color, texture, etc.).
  - 4) The storage building shall be built on a continuous solid foundation similar to the construction of the house. Wood or treated wood grade beams will not be permitted.
  - 5) The storage building shall have the same color scheme as the existing house. Specifically; the window trim, fascia and rake boards shall match the trim color on the existing house. All other surfaces including doors, hinges, shutters and exterior walls shall match the color of the exterior walls of the existing home.
14. Dog runs/pens and doghouses. Dog runs/pens are not permitted. Doghouses require an Application and must meet the following criteria:
  - 1) Doghouses must be located within rear yard and may not be located within the side yard setback, the rear yard setback or within any easement, unless they are located within such fenced in area. The fence must comply with the fence guidelines.
  - 2) Electronic dog fences may be used and must limit the dog to the area within the building setback of the rear yard.
- 15 Basketball Goals/Backboards. Basketball goals/backboards require an Application and must meet the following criteria:

- (a) Backboard of the goal must be constructed of a clear or white fiberglass material.
  - (b) The post shall be made of metal and not **VISIBLE FROM THE STREET**.
  - (c) The ARB must approve the location of any concrete slab to be installed.
16. Yard Ornaments and Seasonal Decoration. Except for "Seasonal Decorations" as hereinafter defined, yard ornaments, artificial "lawn people" or other figures, artificial flowers and other artificial vegetation, may only be placed such that the same are not visible from any Common Area, adjoining street(s) and/or adjoining Lots. "Seasonal Decorations" as used herein means those temporary decorations associated with a particular national, state, local or religious holiday. Seasonal decorations may be displayed without ARB approval for up to ten days after the holiday and Hanukkah / Christmas decorations may be displayed from Thanksgiving through January 7 of each year. Owners desiring to display Seasonal Decorations for longer periods should apply to the ARB for permission.
17. Play forts, playground equipment etc., requires the ARB approval. Playground equipment will not be allowed in front or side yards of any Lots. Generally, the ARB will limit the location of the equipment to within the building setback, unless the yard is fenced. The equipment shall be placed such that persons using the equipment will not cross-adjoining property while using the playground equipment.
18. Garbage, trash, Refuse, Etc., Receptacles/Containers: Garbage, Trash, Refuse, Etc, Receptacles/Containers shall be screened from view from a street, or from a neighboring dwelling unit by landscaping and/or fencing.
19. Clothes Post and Clotheslines shall not be permitted.
20. No Boats, Boats on Trailers or Recreational Vehicles may be stored on any lot for more than twenty-four hours.
21. Lighting: Site and security lighting must be approved by the ARB. All lighting must be compatible with the style of the dwelling.
22. Mechanical Equipment: Mechanical equipment shall be located on the side or rear of the dwelling so as to limit the visibility of the equipment to the street and surrounding property.
23. Underground Utilities: All secondary electrical conduits and hook-ups shall be kept underground. No above ground wires of any kind shall be permitted.