

# BARBERRY WOODS PROPERTY OWNERS' ASSOCIATION

## DESIGN GUIDELINES SEPTEMBER 2019 (Effective upon recording)

The Barberry Woods Architectural Review Committee (“ARC”) was formed to maintain and improve property values pursuant to the Declaration of Covenants, Conditions, and Restrictions for Barberry Woods (“Covenants”). The ARC shall review all work, changes, construction, design, alterations, improvements, etc. (collectively, “Work”) to or on any Lot, including, without limitation, landscaping. All Work is subject to the prior written approval of the ARC, and the requirements of all applicable governing law, Covenants, including without limitation, Articles 3, 4 and 7, and these Design Guidelines (“Guidelines”). In the event of any conflict between these Guidelines and the Covenants, the Covenants shall prevail.

**Manner of Work:** All work, changes, alterations, improvements, etc. shall be done in an expedient, consistent, and professional manner.

**Timing:** Unless otherwise provided in the Covenants, these Guidelines or expressly approved by the ARC, Work (as defined below) must be completed within ninety (90) calendar days from the time the Work is started.

### **REQUESTS FOR APPROVAL:**

1. All building and landscape plans for any Work, including without limitation, fences, walls and barriers (collectively, “Fencing”); garages; sheds; decks, porches and patios; pools, ponds not in excess of 7’ X 7’ in size and other water features; other permanent structures; driveways and walkways; exterior and outdoor lighting; landscaping; and any other Work shall be submitted to the ARC for review. Such plans shall include the materials, colors, location, dimensions, etc. of the Work, as well as any other specifications which may be provided by the ARC. A Request shall not be complete and subject to ARC review until all information/materials requested by the ARC have been provided.
2. Work shall not be commenced prior to written approval for the same from the ARC.
3. Variances may be granted in the sole and absolute discretion of the ARC.
4. The ARC will review Requests for Approval (“Request”) within thirty (30) calendar days and either approve the Request, require changes or deny the Request.
5. ARC approvals are valid for one year. If an approved Request is not completed within one (1) year from its approval date, the Owner shall be required to submit a new Request.
6. An approved Request, whether completed or not, or a granted variance are not precedent or guarantees of a similar Request or Variance
7. Without limitation, any Work commenced without the prior written approval of the ARC, and any Work, activity or thing which does not conform to these Guidelines or the Covenants may be deemed a violation and/or subject to fines.

8. Activity which shall not require additional (prior) ARC approval:
  - a. Owners may repair or replace existing Fencing, siding, shingles, shutters or paint with the same materials, color and location
  - b. Owners may remove Fencing, but must notify the Association prior to commencing such removal.
9. Please contact an ARC member with any questions.

#### **FENCING:**

1. Timing. All Fencing and Fencing Work must be completed within thirty (30) calendar days from the approval date.

2. Location. Fencing shall be located within the property lines of the Lot. The Owner is solely responsible for verifying all property lines and corners. All Fencing location measurements shall be made using the Lot's iron corner pins as references. In general, fences between the front half of the house and the street shall not be allowed. Front of homes shall be clear and free of any fences.

3. Materials. All Fencing shall be constructed out of wood, faux wood or vinyl pickets. The pickets must be evenly spaced or set together to create a privacy fence.

4. Height. The maximum height of any privacy Fencing shall be six (6') feet. The maximum height for any picket fencing shall be four (4') feet. The slope of a Lot may require staggering in order to comply with the maximum height requirements.

5. Finish. All Fencing panels visible from any public space (including streets, sidewalks, and boardwalks) or neighboring property must be painted or sealed. Acceptable finishes are: white, or Charleston Green.

6. Appearance. All Fencing must be plumb. Unfinished portions, posts and/or cross pieces must face the inside of the Owner's Lot and not visible to the public view. All gates must swing freely and latch securely.

7. Easements. If the proposed Fencing is to be located within an easement as shown on the subdivision plat, on any other plat or survey, or as evidenced by any grant of easement, recorded or unrecorded, the ARC's approval of such Fencing is further subject to the written approval of such easement holder which shall be provided by the requesting Owner.

#### **OUTBUILDINGS:**

1. DEFINITION. Garages, sheds or other outbuildings, without limitation, shall be "Outbuildings" for the purposes herein.

2. LOCATION. Outbuildings shall:

- a. NOT be located within three (3) feet of any property line of the Lot.

- b. NOT be located inside the setbacks applicable to the Lot.
- c. NOT encroach on any easements or wetlands buffers on the Lot.
- d. SHALL be toward the rear of the Lot and shall not extend beyond the rear corner of the home. In no event shall the front corner of the Outbuilding extend beyond the rear corners of the home.

3. SIZE. Outbuildings shall have minimum and maximum footprints to be established by the ARC (typically no greater than twenty percent (20%) of the original available open lot space). Notwithstanding the foregoing, the determination of whether a Lot's dimensions are sufficient for the Outbuilding requested shall be within the sole and absolute discretion of the ARC, and may be dependent on the type of Outbuilding.

4. USE. An Outbuilding shall not be used as a dwelling or guest quarters.

5. GARAGES. Garages must be located a minimum of ten (10) feet from the Lot's home. Garage must be: constructed of the same materials and trim as the home, specifically Hardieplank, or similar fiber cement-board siding in the same dimensions and dimensioned architectural grade" shingles. Garages shall otherwise conform to the original dimensions and material and consistent with the current architectural design of the neighborhood as a whole. Garage doors shall also conform to the height and width of the original garage doors installed by the builder.

6. SHEDS. Sheds must be constructed of wood or Hardieplank or similar fiber cement-board, and have shingled roofs. The shed and its trim must be painted to match that of the home.

#### **MISCELLANEOUS IMPROVEMENTS:**

1. LOCATION. All Work shall be located within the property lines of the Lot. No porches, decks, patios, ponds not to exceed in 7' X 7' in dimensions, storage of any kind, or pools shall be located within three (3) feet of any property line, within any applicable setback or within any easements or wetlands buffers on the Lot.

2. PORCHES AND DECKS.

a. Porches and decks shall be subject to minimum and maximum size limitations. Decks under outbuildings are inclusive here.

b. Materials. Covered porches must be constructed of wood or Hardieplank or similar fiber cement-board, have dimensioned. "Architectural grade" shingles, and be painted to match the home. Porches consistent in design with the current architectural design of the neighborhood as a whole.

3. GUTTERS. Gutters shall be unobtrusive and properly installed with proper drainage.

4. DRIVEWAYS.

- a. Stone-filled. Brown or tan crushed stone or pebbles may be used to fill the area between the two driveway strips. The material shall be of a fine grade, and shall be kept in a neat and dirt- and weed-free condition at all times. The material shall not be permitted outside the driveway strips.
- b. Pavers. Natural color or earth tone bricks or pavers may be used between the driveway strips, on the outside of the driveway strips and along established walkways; provided, however, the maximum width of the bricks or pavers outside the driveway strips shall not exceed twelve inches (12") at any point.
- c. The use of pervious materials is strongly encouraged.
- d. Driveway Work must at all times have a finished and professionally installed appearance, and be level and neat.

5. NEW WALKWAYS. The addition of any new walkways or paths that are visible from any public areas shall require prior approval.

#### **LANDSCAPE GUIDELINES:**

1. GRASS LAWNS: All front Grass Lawns shall be properly seeded or sodded, subject to weed control and kept in a neat, mowed and edged condition. Grass Lawns shall cover at least one-third (1/3) of the front yard. Property owners adjacent to a Common Area along the street shall care for the grass on the Common Areas when you care for your own.

2. AREAS ADJACENT TO STREET, ETC.: As further set forth in Section 4.19 of the Declaration, Owner is responsible for maintaining the landscaping along the right-of-way, roadside or sidewalk, as applicable, bordering Owner's Lot, whether or not such area is a part of Owner's Lot. strip of grass between sidewalks and the street shall be properly maintained by the adjacent homeowner.

3. MULCH: Shrubs or ground cover shall have mulch beds. All planting beds shall be raised slightly and contain undyed organic materials such as pine straw, shredded pine bark or pine bark chips as mulch. These are the only acceptable mulch materials.

4. EDGING: Vinyl bed edging is permitted but it should be unobtrusive and its maximum height above the ground should be two (2) inches. The purpose of such edging is to keep mulch in the bed and grass out of the bed, and should be installed as unobtrusively as possible to accomplish this purpose. Decorative edging such should at all times be plumb [??]??), neat and professional-looking. Excessive gaps between edging pieces should be avoided.

5. PLANT CHOICE: Owners are encouraged to coordinate with the existing landscaping when adding new plants. Design and variety of plants should blend from house to house. Vegetable plants (tomatoes, corn, etc.) are not allowed in the front yard.

6. MAINTENANCE: Landscape materials should present an attractive presence and all landscape areas shall be properly and regularly maintained. Proper maintenance includes watering, mowing, weed control, edging, fertilizing, pruning, insect control, removal and/or replacement of dead or diseased plant materials, and maintenance of drainage patterns and facilities. All Lots must

provide for adequate erosion control whether through a seeded, sodded or mulched yard.