

BUCKHAVEN VILLAGE HOMEOWNERS ASSOCIATION

**Manual of Architectural
&
Construction Standards**

Spring 2020

BOD Approved Effective Date: 09/2020

Purpose

This Manual of Architectural & Construction Standards (“Manual”) is published as a convenience to the Buckhaven Village Homeowners and is not meant to be a comprehensive list of the rules governing the Community and is supplemented by the Master Declaration of Covenants and Restrictions for Buckhaven Subdivision recorded in Wake County, NC on June 21, 2005. Rather, this Manual is a summary of the policies in force in Buckhaven Village, and this Manual may be revised and amended from time to time. Further, in the event of conflict between the Covenants and this Manual, the Covenants will control.

This Manual is to provide Specifications and Guidelines for Architectural Standards and Construction Specifications for the Community and is in accordance with the existing Covenants and Bylaws of the Association. The intent is to keep the community a desirable and valued place to live over time (pursuant to which the Association is, for example, required to approve any changes to the property or exterior of any home). Of course, from time to time questions will arise which are not covered by this Manual; in which event, the matter will be governed by the Covenants and the actions of the Board of Directors in compliance with the Covenants.

Architectural Review Committee

This Architectural Review Committee (ARC) is composed of three (3) or more representatives, appointed by the Board of Directors in accordance with Article VII of the Covenants. The purpose of this Committee is to review and assess each request for changes to a property, and forward approval or denial to the HOA Management Company for recording and informing the resident. They will use the Architectural Standards as outlined in this Manual for the basis of their review.

Guidelines for Submitting ARC Review Request

1. The “Request Form” can be obtained from the HOA Management Company, or the current ARC chairperson.
2. Items required within the form are:
 - Plat plan showing location of change, addition or modification
 - Picture or drawing of item to be changed, added or modified
 - Gate locations with fence requests
 - Description or sample of material to be used, along with color
 - As acknowledgement of proposed work, signatures of adjoining neighbors (sides, back or front) that are affected
3. ***It is advisable for the homeowner to check with the Town to determine if Permits are necessary, and obtain all necessary Town approvals prior to submitting to the ARC (because some Town regulations may take precedence over ARC requirements).**
4. Submit completed form to the current ARC chairperson.
5. Approval or rejection of request should be received within two weeks. If the ARC does not respond within 45 days, the request is considered approved.

Items Requiring ARC Request

1. **Additions and Structural Changes** – ALL EXTERIOR changes to homes must have approval.
“Guidelines”:
 - No changes shall encroach upon setbacks for the lot, as listed in the Covenants
 - Changes must match the house color and style.
 - ***All Town ordinances and building Permits are the responsibility of the homeowner.**
 - No permanent sheds are permitted.
2. **Awnings** – Material will be fabric only, with a color blending with house color. They can be retractable or stationary. They must be attached to the house, and upon deterioration must be repaired or replaced.
3. **Clotheslines** are prohibited.

4. **Driveways** - Any changes to the existing driveways will require ARC approval. NO parking on grass at any time.

5. **Fences** – ONLY white vinyl (with or without lattice top) or coated black aluminum, will be permitted. Any existing wooden fence that has deteriorated due to proper annual maintenance or age, must be re-stained and maintained regularly. In some cases replacing the existing wooden fence with a white vinyl or coated black aluminum, or completely removing the fence, may be the proper option.
 - All fences are to be between 4 feet and 6 feet in height.
 - Owners may not alter the drainage condition on their lot in such a way that negatively impacts a neighboring lot. If drainage is impacted, then it is the responsibility of the fence owner to correct the condition.
 - Fences intended to enclose either whole or part of the back property may be constructed adjacent to the property line (usually 4” in from line), except where there is a setback requirement, which may be required for the sake of landscaping. No fence shall extend forward of the rear of the home or beyond the property line.
 - ***All Town ordinances and building Permits are the responsibility of the homeowner.**

6. **Garden Plots** – Gardens in a single family residential area will not require prior approval of the ARC if they are wholly located in a solid fenced-in rear lot. ARC approval IS required for any garden location NOT within a solid fenced-in rear lot, and for all compost piles. Proper maintenance of the garden is required. Clean-up is required at the end of the growing season. This would include removal of temporary stakes, etc., from within the garden.

7. **Landscaping** – Landscaping of a minor nature, such as naturalizing an area of the yard or adding low growing shrubs and bedding flowers, does not require approval provided they do not encroach upon neighboring properties or common areas. Other types of landscaping that are structural, or change the contour of the land, or are adjacent to a property line, or obstruct a neighbor’s view, will require approval. No hedge or screen planting shall be erected on any lot closer to the front lot line than the front of the house.

8. **Lawns** – Grasses to be used as lawn material on residential lots shall be either fescue or fescue blends. Slow growing non-invasive varieties will be considered.

9. **Lawn Ornaments, Decorations, Outside Lighting, Signs and Flags** – Lawn ornaments and non-holiday decorations should be consistent with the character and aesthetics of the overall community, in particular with respect to number, placement and appropriate size.

- Fish ponds require approval and only in the rear of the property.
- Holiday lights and decorations do not require approval, but must be removed by January 31st.
- Flood lights and accent landscape lights are permitted but must not encroach on neighboring property. Every effort should be made not to disturb or adversely affect neighbors with the installation and operation of flood and security lights.
- One real estate sign, and one political sign are permitted; and must be of reasonable size.

10. **Mailboxes** – All new mailboxes or replacements shall conform to the mailbox style approved for the community, with ‘reflective’ address numbers. Plantings around the base of a mailbox are permitted.

11. **Painting of Exterior of House** – A change of color from the existing color must have ARC approval (submit color samples with your application). Repainting or re-staining with the existing color does not require approval. Garage doors shall remain white.

12. **Patios/Patio Extensions, Arbors & Privacy Screens** – There are no predetermined styles for patios. All new patios/patio extensions, arbors & privacy screens require ARC approval. Any appearance change requires architectural approval.

- Patio materials – Concrete slabs, bricks with sand fill or grout, and stone with sand fill or grout are acceptable materials. Include landscape plans with request. Patios should be located behind the house and may not extend around corners, or be freestanding in other areas of the backyard.
- Arbors & Privacy Screens – Arbors should be no higher than 8’ above the surface. Free standing privacy screens (i.e. lattice) shall not exceed 5’ in height. Privacy screens, as part of the arbor, may extend to the arbor.
- ***All Town regulations, Permits and building codes, as well as ARC regulations, must be followed.**

13. **Pets** – No exotic animals, livestock or poultry of any kind shall be raised, bred or kept on any lot. Dogs, cats, and other household pets, providing that they are not bred or maintained for commercial purposes, are permitted. No runs or pet houses are to be installed on any property. **COUNTY ORDINANCE: All pets must be in control on a leash, and pet waste MUST be picked up immediately and disposed of properly.**

14. **Radio/TV Antennas and Satellite Dishes** – Refer to Covenant Section XXIV: No exterior television or radio antennae, satellite dish, tower or similar structures will be allowed on any lot in the property without the prior approval of the ARC. Satellite dishes, 24” or smaller in size will be permitted so long as installation is not on the front of the home. As per the FCC, placement for satisfactory reception is required; however, neighborhood appearance should be considered whenever possible and should be placed on the rear of the roof or rear of the property.

15. **Rain Barrels** – The preferred location of rain barrels is at the rear of the structure. Rain barrels not placed in the rear of the structure should be enclosed by fencing as per the guidelines for trash receptacles or otherwise screened. Acceptable colors for rain barrels are earth tones, black or white.

16. **Recreational Equipment** – Playground equipment, playhouses, basketball hoops, etc. are not to be erected or installed on residential lots without prior approval of the ARC. Factors to be considered when submitting a request are size, materials and screening of equipment.

- Basketball hoops are not to be permanently installed, and must be removed from the driveway and stored appropriately at the end of each day, preferably by dusk.
- No swing sets, play houses, jungle gyms or other such equipment are permitted to be erected or constructed.

17. **Safety Railings and Ramps** – All outdoor safety railings and ramps will require ARC approval and considered on an individual basis.

18. **Skylights and Attic Fans** – The ARC must approve the addition of a skylight or attic fan that alters the exterior of the roof. Installation of energy saving devices (such as solar tubes and solar attic vents) by law cannot be prohibited. The plan should be submitted to the Management Company for record keeping purposes.

19. **Solar Panels** – All solar panels require ARC approval. Solar panels must be installed as inconspicuously as possible. Whenever possible, panels should be placed on the rear of the home on the side that has the least public exposure. Panels must be attached to the roof, not free standing or ground mounted, unless no other alternative is available. Every effort must be taken to camouflage the plumbing and supports of the panels. This camouflaging may require completely encasing the panels. All metal parts should be painted to match the roof color. There should be a minimum exposure of piping. Piping running down the side of a dwelling is not permitted.

20. **Storage** – No trade material or inventories may be stored on any lot. Temporary storage of materials for modification projects should be discreetly placed and maintained in an orderly manner.

- No permanent storage sheds are permitted due to Town restrictive ordinances. Only small, plastic storage units, for example (no larger than 6' high and 6' wide and 4' deep in a neutral color), will be permitted.
- ***All Town regulations must be followed.**

21. **Swimming Pools & Hot Tubs** - Due to Town ordinances, no swimming pools are permitted on our lots. Hot tubs will be considered on an individual basis in a fenced back yard with appropriate ARC application and approval.

22. **Trash Receptacles** – Should be stored in the garage; however, if they cannot fit, they can be fenced with privacy screening with prior ARC approval and following the screening guidelines, which is no higher than 5'.

23. **Trees** – After initial construction, no tree having a trunk diameter exceeding six (6") inches, at a height of four (4') feet above the ground, shall be removed without the ARC and/or the Board of Directors approval. A tree that is dead, diseased, or poses an imminent threat or danger to persons or property does not require approval.

Appeals

To appeal a disapproved submittal, submit a written response to the Board of Directors, including specific detailed information that clarifies why the submittal should be reconsidered. Submit this information to the Management Company for review by the Board of Directors.

If desired item is not specifically covered in the response, contact the HOA Management Company for direction. Omission of an item does not mean that you can proceed without approval.

Rule Violation & Enforcement Procedures

A designee of the ARC shall, upon report of a violation, investigate the report; and if the ARC designee finds a reasonable basis therefore, will refer the matter to the Board of Directors for further review and possible fines.

Each homeowner, for himself/herself and his/her invitees, is responsible for compliance with the Covenants and these Association Standards. The Board may impose fines against any unit and such fines shall be treated as Special Assessments otherwise due to the Association. The fines shall be paid not later than thirty (30) days after notice and imposition or assessment of fines.

- First non-compliance or violation: a fine not to exceed Fifty Dollars (\$50.00)
- Second non-compliance or violation: a fine not to exceed One Hundred Dollars (\$100.00)
- Third and subsequent non-compliance or violation that is of a continuing nature: a fine not in excess of One Hundred Dollars (\$100.00) for each week of continued violation or non-compliance.

If the Assessment is not paid within thirty (30) days after the due date, the Association may bring an action in the form of further fines and late fees; and any continued failure to pay will result in imposition of a LIEN against the unit.

BUCKHAVEN HOMEOWNERS ASSOCIATION, INC

SAMPLE - Buckhaven Architectural (ARC) Request Form

PLEASE REVIEW THE BUCKHAVEN ARCHITECTURAL GUIDELINES PRIOR TO SUBMITTING YOUR REQUEST.
At least 30 Days prior to the change, send to current Buckhaven ARC Committee Chairperson.

Please attach any drawings and/or sketches that will aid in making a decision regarding your request.

PRINT PROPERTY OWNERS NAME: _____

PROPERTY ADDRESS: _____ **LOT NO.:** _____

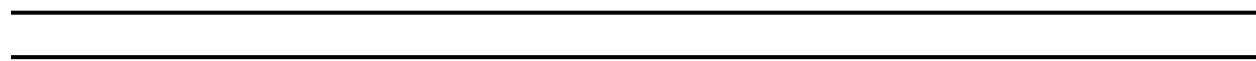
TELEPHONE NUMBER: HM# _____ **WK#** _____

EMAIL _____

ESTIMATED START DATE: _____ **ESTIMATED COMPLETION DATE:** _____

Property Owner's Signature. _____

1. Narrative description of the proposed home and/or landscape improvement change or addition. Cite materials and color(s), to be used. State similarities to existing structures as appropriate. Use a separate sheet of paper if necessary. Photos, brochures, materials samples etc. may also be attached.



2. Please attach drawings to this request showing all proposed improvements including relationships to existing structures, landscaping and lot lines. Two drawings or more are needed to clearly show proposed improvements including but not limited to:

- A. Plot Plan - "top down view" - the improvement should be drawn on a copy of your lot survey to show where the change will be placed.
- B. Elevation(s) - "side, front, and rear view(s)" - one or more as necessary.

3. Attach paint or vinyl siding samples, if applicable. (color samples/paint chips, including for black and white shades, must be submitted). Specifics about types of materials to be used and color samples for all exterior component changes must be submitted with this request.

4. A permit and inspection by the Town of Fuquay Varina may be needed.

5. When the committee reviews this request, your neighbors have the right to comment and present views about your requested improvements.

This is not for their approval, it is only to make them aware that there will be changes next door. **Please obtain signatures from all property owners having adjoining lot lines with your property, and all property owners who would reasonably view the improvement from their property,** i.e., across the street. If the signatures are missing the request can be denied as incomplete. If this should happen, you would need to resubmit with the required information to get the request reviewed for approval.

I acknowledge that the requesting property owner has shown (me/us) the architectural request form for the proposed improvement(s) described on this form. I understand that (I/we) may make verbal or written comments directly to the Architectural Committee.

<u>DATE</u>	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

REASON FOR THE CHANGE/ADDITION _____

******If you are removing trees, you must remove (cut or ground) down to at least ground level or below.**

By signing below, I hereby acknowledge that any tree(s) that I remove will be cut or ground down to at least ground level or below.

Name-Print and Sign _____

Date: _____

ALL PROJECTS MUST BE COMPLETED WITHIN A 12 MONTH TIME FRAME

ARCHITECTURAL COMMITTEE:

Preapproved _____	Date _____
Final Approval _____	Date _____
Disapproval _____	Date _____

COMMENTS: _____

*Effective 09/2020