

Fernbrook Home Owners Association [HOA]

Policy Memorandum No. 3

ARCHITECTURAL DESIGN GUIDELINES

Adopted by the Board

This policy memo's objective is to guide homeowners, residents and members of the Architectural Review Committee (ARC) in maintaining and enhancing the Fernbrook environment. The guidelines described here address improvements for which homeowners *must* submit applications to the ARC. They are not intended to be all-inclusive or exclusive, but rather to serve as a guide to what is permissible. The specific objective of this policy memo is:

1. To protect and enhance the value of the community by preserving and enforcing the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements.
2. To increase resident's awareness and understanding of the Covenants.
3. To focus on all exterior alterations made by owners.
4. To describe the procedures involved with the Architectural Guidelines established by the Covenants.
5. To illustrate design principles that will aid residents developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.
6. To assist residents in preparing an acceptable application for submission to the ARC.
7. To provide uniform Guidelines to be used by the ARC in reviewing homeowner applications.

OUR COVENANTS

Authority for maintaining the quality of overall architectural design in Fernbrook is found in the Fernbrook Covenants. These Covenants are an integral part of the deed to every homeowner's property in Fernbrook. As the Architectural Guidelines are specifically referenced in the Covenants, everything within these Guidelines is legally binding and ensures that the design quality will be maintained throughout the community. This, in turn, protects property values and enhances the community's overall environment.

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If an official copy is needed, please contact the Board

Every Fernbrook property owner received a copy of the Covenants at settlement.

Since these Covenants "run with the land," they are binding on all owners, whether or not they have been read. They should be periodically reviewed and fully understood. If you have questions - ask the nearest board member for clarification.

ROLE OF THE FERNBROOK HOA AND THE ARC

The role of the HOA (of which EVERY homeowner is a member) is not only to own and maintain their individual lots, but also to conserve and enhance the resources of the total community. The HOA accomplishes these functions in a variety of ways, one of which is by ENSURING, through the ARC, the retention of harmony in the design qualities of the community.

GUIDELINES

The guidelines, which follow address a broad range of exterior alterations for which homeowners frequently, submit an application to the ARC. It would be impossible to address each specific design condition. As a result, these guidelines present the principle factors, which should be considered when developing a design. More specifically, these guidelines, in most cases, define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative.

The ARC will always consider the individual merits of each application. The use of these guidelines should assist the homeowner in gaining timely ARC approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved. An Architectural Guidelines application is attached to this memorandum.

Special Note : County Approvals

Many items require county review and permits. It is the homeowner's responsibility to obtain all county approvals. James City County authorities should be contacted prior to beginning any work in order to verify what procedures must be followed and obtain required permits. County approval does not preclude the need for ARC approval and vice versa. At the time of this Memo publication, the James City County Compliance and Codes Division can be reached at (757) 253-6626.

SATELLITE DISHES; FENCES; POOLS

Because the ARC is frequently presented petitions relating to satellite dishes, fences, and pools; specific guidance for these particular alterations is provided below:

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A. SATELLITE DISHES

Article V, Property Restrictions Section 10(a) of the original Fernbrook Covenants and Restrictions has been superceded (made obsolete) by current over riding federal laws which permit the use of satellite dish antenna with reasonable restrictions on their installation and display. Pursuant to this Policy Memo: Fernbrook homes will have no external antennas of any description, except satellite dishes of less than two feet (2') in diameter which are located entirely below all roof lines of the house on the affected lot,, and not visible from the street(s) of the subdivision. All satellite dishes must have ARC approval prior to installation.

B. FERNBROOK FENCES

Fencing can be used to separate property, provide security, visual privacy, or to architecturally define space. In achieving any one of these goals, a barrier is created which has both a visual and a physical impact on the boundaries of common land and properties of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed.

In selecting a fence, it is important to remember that the homeowner's functional or aesthetic needs must be balanced with existing fence styles in the neighborhood. Height, location, materials and color are the primary factors , which should be considered.

Therefore, pursuant to Section 10 of the Covenants, **no fencing shall be erected prior to obtaining the approval of the ARC.** Applications must indicate the fence's exact relationship with the lot's property lines.

Materials and Colors

Fencing should be compatible with the architectural characteristics in the applicant's house and the prevailing architectural characteristics in the adjacent homes. Continuity of style is preferred. Fencing may be treated only with a clear (no color) or white waterproof sealant. **Chain link fencing is not allowed.**

The following fence styles will be the standard for Fernbrook homes:

- a. For homes adjoining other Fernbrook homes on three sides, four foot high picket fence with a straight, arched, or scooped top, preferably "dog eared" pickets. No fence shall extend beyond the home's front facade.
- b. For homes bordering Greensprings' Road or with no Fernbrook neighbors to the rear, four foot high picket fence with a straight, arched, or scooped top, preferably "dog eared" pickets; additionally, the rear lot line ONLY (subject to easements) may be protected by a 6 foot high stockade style wooden or white vinyl privacy fence.

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Continuity of design (and height) of the adjoining fences should be maintained. No fence shall extend beyond the home's front facade.

c. Fence post finials are acceptable when they are kept in scale with the style of the fence.

d. All fences are to be made of natural wood or white vinyl (no metal fences/ no colored vinyl).

e. Solid fencing used for privacy screens should be in short segments immediately adjacent to the house or patio and must not exceed 6'0" in height.

f. Fencing will not "tie in" to existing fences on adjoining lots without that owner's express permission. Tie-in agreement should be referenced on any fence petition to the ARC.

g. All applicable permits must be obtained before construction begins.

PRIOR TO INSTALLATION OF ANY FENCE, APPLICATION TO THE ARCHITECTURAL REVIEW BOARD MUST BE SUBMITTED AND APPROVED.

FERNBROOK SWIMMING POOLS

Only in-ground swimming pools will be considered if designed to be an integral part of the property. No permanent above-ground pools (seasonal use of temporary wading-type pools is allowed in rear yards).

A fence between the height of 4' to 6'0" high and compatible with the design style of the house may be required to enclose a pool used for swimming and related pool equipment. Approval of the fence is contingent upon completion of the pool and must comply with county guidelines.

Application Contents

Completed applications require the following information:

- a. A site plan showing location, style, and dimensions of the pool, other related equipment, fences, etc., in relation to the applicant's house, property lines, and adjacent dwellings.
- b. Detailed drawings and plans of the pool, deck area, lighting arrangements, walkways, fences, etc., and pertinent information concerning water supply system, drainage and water disposal system.
- c. Estimated start and completion date.

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Approval by the ARC in no way implies compliance with James City County zoning or permit requirements. Many items require county review and permits. It is the homeowner's responsibility to obtain all county approvals. James City County authorities should be contacted prior to beginning any work in order to verify what procedures must be followed and obtain required permits. County approval does not preclude the need for ARC approval and vice versa.

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