

Banbury Woods Homeowners Association (BBW)

ARC Architectural Review Committee Procedures

Adopted by BBW HOA Board on September 8, 2024

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The ARC acronym is used to represent the Architectural Committee, the Architectural Review Form and the Architectural Review Committee Application for changes/alterations

1-1 DOCUMENT PURPOSE AND POLICY

The purpose of these ARC guidelines and procedures are to preserve and maintain the aesthetic harmony and balance in the residential structures and landscaping of the Banbury Woods (BBW) neighborhood. Further, they are a vehicle to ensure and enhance property values along with the natural beauty of this development. These Architectural Guidelines are for use in application, further definition, and use cases in connection with the Covenants of Banbury Woods as recorded in Wake County's Registry. This document captures the procedural histories of ARC committees since the establishment of BBW Covenants in 1985 and are intended to be a "continuity" document for future committee's use.

Article IX of the BBW Bylaws and Article III of the BBW Declaration of Covenants establish the Architectural Committee. The collective Declaration Articles within the Covenants further quantify the duties, responsibilities, and powers of the Architectural Committee (for example Covenant Declaration Article XI – ARC has sole discretion relating to the location and type of any accessory building which shall be permitted on any lot). A guide to these Declarations and their application in BBW will be covered in the subsequent sections of this document.

This document is in the interest of having consistency and fairness in the neighborhood.

1-2 RESPONSIBILITIES

The following are the responsibilities of all parties as they relate to the Architectural Guidelines.

HOMEOWNERS:

Each homeowner has the responsibility to read their BBW covenants. Additional clarification options can be found by referring to the ARC guideline, or by contacting any Board of Directors member or individual ARC committee member for any needed clarification.

Homeowners proposing to make any external change to their property shall complete and submit an Architectural Request Form directly to the Architecture Review Committee. The form shall be submitted via email to architecture@banbury.com Each homeowner is responsible for the adherence to the policies, standards, and control measures established by the Architectural Committee/ARC and the Board of Directors of the HOA. Problems or violations should be reported to the HOA Board of Directors via email board@banburywoods.com Any Homeowner convening or completing any of the external changes described in this document without following the Architectural Request submittal and approval process documented herein may face any or all of the following; 1) request to pause activity/construction, 2) fines and/or penalties, 3) request for immediate ARC request form.

ARCHITECTURAL REVIEW COMMITTEE:

The Architectural Review Committee is appointed by the Board of Directors and consists of volunteer homeowners of the Banbury Woods neighborhood. The ARC member receiving the request will complete an initial screening of the request to ensure accuracy and completeness. Incomplete forms will be returned to the homeowner with reasons for rejection or may be contacted to seek the needed information for completion at the reviewer's discretion. The ARC will hold a meeting as needed to review ARC requests. The ARC is responsible for reviewing fully completed requests, making site inspections of the requested modifications, and offering recommendations or changes to the Board of Directors with regards to the Architectural Guidelines. When the ARC reaches a decision on a submitted Architectural Request, it will copy the Board of Directors prior to responding to the Homeowner for notification and/or final review. The ARC copies the HOA Secretary to file and retain a copy of the form for a period of seven (7) years. This detail will be included in the minutes of the next calendared HOA Board of Director meeting minutes for each occurrence.

Per the Covenants, the ARC has up to 30 days to officially respond to an ARC request. It is imperative for the homeowner to plan in advance to allow for the ARC process time as defined in Section 3 of this document. The ARC reviews and finalizes requests from homeowners only, While the ARC may offer assistance on requests from prospective or pending homeowners, ARC will not complete or approve requests until home ownership is finalized.

Each ARC request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals on current or additional properties, etc. The ARC will notify the homeowner of the approval/rejection of the request. The ARC will provide completed and approved/rejected requests to the Board of Directors or inclusion of Board meeting minutes and for filing.

BOARD OF DIRECTORS:

The Board of Directors has the ultimate responsibility in regard to enforcement of Architectural Control matters.

These responsibilities include (but are not limited to):

- Interpretation of the restrictive covenants referred to previously
- Approval of Architectural Guidelines
- Mediate the Appeals Process by Homeowners (as required)
- Update and approve changes to the Architectural Guidelines
- Review violations of the Covenants and Architectural Guidelines
- Declare related penalties to violations and/or legal remedies (enforcement)
- Keeping all Architectural Request Forms and corresponding records for 7 years

WHAT MUST HAVE ARCHITECTURAL COMMITTEE APPROVAL:

- Building additions of any type
- Detached building of any type
- Changes to exterior colors or materials
- Large volume of live tree removal (5 or more trees)
- Excavation or grade changes
- New deck construction (not repair or replacement of existing deck boards)
- Fences
- Further items as detailed in subsequent sections 3-1 thru 3-4

While an ARC form submission is not needed for “Like for Like” projects, please notify the architecture committee if you have a project that requires multiple work trucks and/or a dumpster.

2-1 REVIEW CRITERIA

The ARC reviews each application on the individual merits of the application. The ARC's decisions are based upon the standards in the following aspects (specific requirements are listed in later sections i.e.3-1). Most applications will require site survey detail, architectural drawing and provision for a building permit from Wake County

Approvals will be granted in the sole and official discretion of the ARC. Prior ARC waiver, errors, or malfeasance do not constitute a precedent nor relief for subsequent ARC requests. (article III, XI)

Criteria includes but is not limited to:

VALIDITY OF CONCEPT: The basic idea of the exterior change must be sound and conforming with the existing architecture of the home (nor conflict with neighboring homes).

LANDSCAPE AND ENVIRONMENT: The exterior change must not unnecessarily destroy nor detract from the natural landscape that exists in Banbury Woods

RELATIONSHIP OF STRUCTURES AND ADJOINING PROPERTIES: The proposed change should relate harmoniously among its surroundings and to the existing buildings and terrain that have a visual relationship to the change.

PROTECTION OF NEIGHBORS: The ARC should make reasonable efforts to protect the interests of neighboring owners by looking at provision for example, surface water drainage sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on the neighboring properties. It should be noted that the ARC or the BBW HOA is not responsible for insuring against negative effects as part of the ARC process. The homeowner making the change is ultimately responsible for any detrimental effects to neighboring or their own property that may result from alteration or improvement being made. The ARC specifically does not hold itself as an expert in the areas of engineering, architecture, or landscape design and each homeowner should consult experts in these fields as necessary for their project.

DESIGN COMPATIBILITY: The proposed must be compatible with the design characteristics of the applicant's home and the general neighboring setting. Compatibility is defined as harmony in style, scale, materials, colors and construction details.

DISCLAIMER: Plans and specifications are not approved for engineering, structural or quality of materials associated and by approving such plans and specifications neither the Architectural Committee nor the Association assumes liability or responsibility thereof, nor any defect in any structure constructed from such plans and specifications. Neither the association, the Architectural Committee, nor the Board, nor the officers, directors or any agent of the HOA shall be liable in damages to anyone submitting plans and specifications for approval, or to any property owner affected by these restrictions by reason of mistake in judgement, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications.

3-1 DETAILED GUIDELINES INDEX

- A)** Decks
- B)** Walkways, Patios and Driveways
- C)** Attached Building Additions and Exterior Modifications
- D)** Detached Buildings
- E)** Fences
- F)** Parking Pads
- G)** Landscaping and Hedges
- H)** Exterior Home Paint, Maintenance Appearance
- I)** Swimming Pools and Hot Tubs
- J)** Signage
- K)** Nuisance
- L)** Businesses and Trades Nuisance
- M)** Trailers, Boats, Campers and Recreational Vehicles
- N)** Parking and Commercial Vehicles
- O)** Exterior Home Appliances and Maintenance Systems
- P)** Animals
- Q)** Firewood
- R)** Beehives

3-2 DETAILED GUIDELINES

This section of the guidelines provide specific guidance regarding particular design submissions and other guideline violation situations frequently encountered in the Banbury Woods neighborhood. The Architectural Review Committee has developed this guide for its use in reviewing applications and violations. Adherence to these guidelines does not relieve the Homeowner of the need to submit applications to the Architectural Review Committee for approval before proceeding. These guidelines are intended to provide the Homeowner with some sense of direction in planning, and also provide the Architectural Review Committee with a sense of consistency and fairness in its reviews. All requests must follow the stated approval process documented in section 4. Section 3-2 contains a reference to Covenants pertinent to and supporting of these associated guidelines.

Note: failure of the homeowner to adhere to and build to the ARC approved requests as filed will require correction/remediation of the new construction at the homeowner's expense

A – DECKS (Article III)

Appearance: Color of paint or stain should be consistent with the original colors or trim of the home, complete color change requires the submission of an ARC form for approval.

Maintenance: any repair or materials replacement that maintains the original footprint does not require an ARC form to be submitted. However, if work requires multiple trucks or a dumpster, please inform the Architecture Committee.

New Construction: Changes in size, footprint, location of replacement decks or new decks requires an ARC form. A site plan and adherence to Wake County building standards via a building permit required.

B- WALKWAYS. PATIOS AND DRIVEWAYS (Wake County and State law + ArticleIII)

Repairs to driveways and sidewalks that retain the same footprint do not require ARC submittal.

Alterations that expand the square footage of a driveway or sidewalk should submit an ARC form along with Impervious Surface Calculations (form can be found on Wake County website).

C - ATTACHED BUILDING ADDITIONS AND EXTERIOR MODIFICATION (Article III)

Site and Plan Approval. No building, fence, swimming pool or any other structure shall be erected, placed, or altered (including without limitation, changing materials, or color of any exterior portion of any such improvements), in said development until the building plans, specifications, and plot showing the location of such improvements, have been approved in writing as to conformity and harmony of exterior improvements in the development, and as to location of the improvements with respect to topography and finished ground elevation by an architectural committee. An ARC application must be submitted for approval before proceeding with any major home addition or exterior improvement project related to the main structure of the home. The ARC approval process will require drawings of the proposed improvement, a site plan/survey, Wake County Building Permits along with the estimated timeframe of the project. Items such as material choices and color and trim should be consistent with the main structure unless otherwise noted or approved.

D - DETACHED BUILDINGS (Article XI)

No accessory building of any nature whatsoever (but not limited to detached garages, storage buildings, dog houses and greenhouses) shall be placed on any lot without the prior written approval of the Architectural Committee, with said Committee to have sole discretion relating to the location and type of accessory building which shall be permitted on any lot.

Any detached structure including out-buildings, garages, sheds and playhouses require the submittal of an ARC form. A site plan and placement of the building will be required to ensure setback adherence and placement on the lot. These structures are to be located in the lot rear of the main house. Any shed over 12ft in any dimension requires a Wake County building permit per code. For purposes of this guideline, any structure with over 12 ft dimension is considered an outbuilding or a garage and will need to follow the same ARC approval process as in section C above. Sheds and outbuildings should use materials and finishes consistent with the homeowner's main structure unless otherwise noted or approved by the ARC. Metal sheds are prohibited in the neighborhood. The Architectural Committee has sole discretion relating to the location and type of any accessory building which shall be permitted on any lot.

E – FENCES (article X)

No fence, wall hedge, or mass planting shall be permitted to extend beyond the front of any dwelling or beyond the minimum building front setback line or within 50 feet of any street right of way line established herein except upon approval by the Architectural Committee. No fence of any kind whatsoever, including but not limited to chain link and wire fencing, shall be installed or erected without prior approval by the Architectural Committee, provided however, under no circumstances shall a chain link or wire fence be approved that is visible from the street.

All fences require the use of the ARC process for approval prior to any construction. A site survey with the proposed placement of the fence will be required along with the proposed fence type.

The ARC will review the design, materials, location, and scale to determine the compatibility of the proposed fence to the surrounding residential structures and current landscaping. The ARC shall emphasize the development of sensible, compatible, functional and aesthetically pleasing quality of the fence design. The intent is to preserve the character and seek continuity within the neighborhood.

- No fences with metal points or “spear finishes” are permitted due to deer activity within BBW

- In all cases the finished side of the fence shall be outward (toward your neighbor)

- Fences cannot be within 50 feet of any street (public use street right-of-way)

- Fences shall follow the natural topography of the land

- Note that in some cases pre manufactured or panel style fences may not be possible.

- Chain link fences are prohibited in Banbury Woods

- No fence over 6 feet tall will be permitted

- Fences cannot extend beyond the front corner of any residential structure

- There will be a minimum of one walk through gate with an opening of 3 foot for access

- All fences must be maintained in good repair and in the original upright position

- Butting one fence to another existing fence is allowable provided both parties agree

F – PARKING PADS (Article III)

ARC submittal required with Impervious Calculation for Wake County/State approval

Appearance: The layout or design should harmonize with the original driveway and walkway. Depending on lot configuration, screening with landscaping may be required to visually block the area from adjoining property owners.

Note: not all lots can accommodate a parking pad

Drainage/Slope: Slope of parking pad and that of adjacent yard shall preserve the original runoff pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

G – LANDSCAPING

ARC Approval is required for landscaping of a structural nature and those having impact on adjacent properties. This includes but is not limited to:

- Retaining walls higher than 24 inches used to prohibit erosion or change water flow
- New Garden plots with structural elements that are within street/public view

ARC approval is not needed for landscaping of a minor nature:

- Naturalizing an area of the yard, adding shrubs, trees, flowers, etc
- Replacement of dead or deceased shrubs and trees less than 6" diameter
- Sprinkler systems which are to be installed below ground
- Reseeding or replacement of sod
- Mulching

Hedges and Screen Plantings which form a barrier between properties require ARC application approval and should have the following considerations: (article X)

- Setbacks to allow for plant growth
- Indication of the height and spread of shrubs and/or trees at maturity

Note: Replacing portions of existing natural hedges or screening does not require ARC approval

Lot Maintenance and Appearance: (article XII)

Each owner shall at all times maintain his Lot and all improvement thereon in a safe, clean, sightly, attractive and in good state of condition and repair. The owner's maintenance obligation shall include the timely repairing, replacement, reconstruction, renewing and repainting of said items and improvements. The prompt removal of all litter, trash, garbage, waste, visible brush piles is also required.

Trees:

The mass removal of mature trees (more than 5) on a homeowner's lot require the submission of an Architectural Committee request (ARC process) to be processed and approval.

Brush Piles:

- The accumulation of large brush piles is not permitted in any front yard area.

Additionally, large brush piles that are visible from the public street or right-of-way, outside of a natural area, are prohibited.

- Screening Requirement: If the immediate removal of a large brush pile visible from the public street or right-of-way (and not located in the front yard) is not feasible, the homeowner shall be responsible for ensuring the brush pile is promptly and effectively screened from view per HOA Covenants.

H – EXTERIOR HOME PAINT, MAINTENANCE APPEARANCE ISSUES (article XII & III)

House Painting, re-roofing, residing or other potential color changes to exterior are subject to Architectural approval process. The exception being re-painting in the same color or re-roofing in the same or similar roofing type in color or physical attributes. Notice to ARC/Board and neighbors is encouraged.

Appearance. Each Owner shall keep his building site free of tall grass undergrowth, dead trees, trash and rubbish and his property maintained as to present a pleasing appearance. No trash, rubbish, stored materials, wrecked, abandoned or inoperable vehicles or similar unsightly items shall not be allowed on any lot. The prompt removal of all litter, trash, garbage, waste, visible brush piles is also required.

The homeowner's building maintenance and appearance obligation shall include the timely repairing, replacement, reconstruction, renewing and repainting of said items and improvements.

This also covers home maintenance issues such a facia boards, deteriorating boards and paint, driveway condition, gutters, dormers, etc to present a pleasing appearance -
Declaration of Covenants Article XII

I – SWIMMING POOLS AND HOT TUBS (article III) - ARC Request Required

No building, fence, swimming pool or any other structure shall be erected, placed, or altered (including without limitation, changing materials, or color of any exterior portion of any such improvements), in said development until the building plans, specifications, and plot showing the location of such improvements, have been approved in writing as to conformity and harmony of exterior improvements in the development, and as to location of the improvements with respect to topography and finished ground elevation by an architectural committee.

J – SIGNAGE: (article VIII)

No Business Signs or Billboards shall be erected or maintained on the premises. No trade materials, inventories, or equipment may be stored or regularly parked on the premises. Policy Resolution 1 from 1988. Now, therefore, be it resolved that, all signs other than (1) "For Sale" or "For Rent" sign per lot shall require Architectural Committee approval through the normal application process. Temporary personal celebratory signage allowed, i.e. school graduation sign.

K – NUISANCE (article VIII)

Nuisances. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

L – BUSINESSES and TRADES NUISANCE (article VIII)

No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No trade material or inventories may be stored or regularly parked on the premises. No business trade or activity may be conducted on any lot with the exception of a limited at home office permitted by the Board of Directors of the Association. “Limited at home office” is defined as a home office for remote and telecommuting work.

M – TRAILERS, BOATS, CAMPERS, RECREATIONAL VEHICLES (article XIV)

Trailers, Boats, Campers, Recreational Vehicles, etc. Owners of lots shall not be permitted to park boats, trailers, campers, RVs and all similar property on the streets in the development, and such property shall be parked in a garage or screened area which is approved by the Architectural Committee in accordance with the rules governing such items adopted by the Board of Directors of the Association. Recreational vehicles that need to be at the homeowner’s lot to be prepared for use will require prior notification to the Architectural Committee, and the duration of having such vehicles on homeowner’s property is not to exceed 4 days within a calendar month (unless otherwise approved by the Architectural Committee via a formal request).

Wrecked, abandoned or inoperable vehicles or similar unsightly items shall not be allowed on any lot per article XII

Policy Resolution #2007-1 Screened Area Definition. Now, therefore, be it resolved that; “Screened Areas” shall mean within the rear lot space of such lot. Such “Screened Area” shall be shielded from public view, including the streets within the Subdivision, and observation from each adjoining lot by one of the following methodologies:

- 1). Planting of shrubbery of at least six feet high at the time of planting along as many sides of the object to be screened as are necessary to screen such object from view. Natural wooded areas are not a substitute for screening but may be considered part of the screening depending on seasonal density, or
- 2). Erection of a fence of appropriate height, quality, style and location as approved by the Architectural Committee pursuant to Article V and X of the Declaration of Covenants, Conditions and Restrictions for Common Properties in Banbury Woods Subdivision and Provision of Banbury Woods Homeowners Association.

N - PARKING AND COMMERCIAL VEHICLES (article VIII)

Construction machinery or equipment is not allowed to be parked in street view. No trade material or inventories may be stored or regularly parked on the premises.

O – EXTERIOR HOME APPLIANCES AND MAINTENANCE SYSTEMS

Generators, pool equipment, etc are to be located in the rear of the home, or at a minimum behind the front line of the home building structure. Locations visible from the street do require screening from the street or adjoining neighbor view.

P – ANIMALS (article XIII)

Animals. No animals (including horses) or poultry of any kind, other than house pets shall be kept or maintained on any part of said property. Declaration of Covenants Article XIII.

Q – FIREWOOD

- **Stacking Requirements:** Any firewood stored on a property must be neatly stacked. Stacks shall not exceed a height of six (6) feet.
- **Preferred Location:** Residents are strongly encouraged to store firewood in the rear yard of their property.
- **Side Yard Placement:** If firewood is stored on the side of the house, it must be set back from the front facade of the dwelling. The setback distance should be sufficient to minimize its visibility from the public street or right-of-way.
- **Screening Suggestion:** The screening of firewood stacks, regardless of location, is strongly suggested to enhance the aesthetic appearance of the property and the community.
- Firewood stored in the front yard is prohibited.

Firewood shall be neatly stacked and stored behind the forward fence line of the home. Firewood shall not be stacked higher than the approved or approvable fence height per fence covenants. Firewood should not be in street view. View of the firewood should be minimized to neighboring properties.

R - BEEHIVES - ARC Request Required

Beehives must be screened from the view of neighbors or street view. In consideration of resources and safety, we recommend limiting beehives to a maximum of five (5) per property and notifying neighbors of their presence.

3-3 BBW SUPPORTING COVENANTS, BYLAWS and RESOLUTIONS **(historical documentation from Architectural Committees since BBW establishment)**

Article III:

Site and Plan Approval. No building, fence, swimming pool or any other structure shall be erected, placed or altered (including without limitation, changing materials, or color of any exterior portion of any such improvements), in said development until the building plans, specifications, and plot showing the location of such improvements, have been approved in writing as to conformity and harmony of exterior improvements in the development, and as to location of the improvements with respect to topography and finished ground elevation by an architectural committee.

Article X:

Fences. No fence, wall hedge, or mass planting shall be permitted to extend beyond the front of any dwelling or beyond the minimum building front setback line or within 50 feet of any street right of way line established herein except upon approval by the Architectural Committee.

No fence of any kind whatsoever, including but not limited to chain link and wire fencing, shall be installed or erected without prior approval by the Architectural Committee, provided however, under no circumstances shall a chain link or wire fence be approved that is visible from the street.

Article VIII:

Nuisances. No noxious or offensive trade or activity shall be carried on upon any lot, nor

shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

No Signs or Billboards shall be erected or maintained on the premises. No trade materials, inventories, or equipment may be stored or regularly parked on the premises.

Policy Resolution 1 from 1988. Now, therefore, be it resolved that, all signs other than (1) "For Sale" or "For Rent" sign per lot shall require Architectural Committee approval through the normal application process.

No Business Trade or Activity may be conducted on any lot with the exception of a limited office at home if permitted by the Board of Directors of the Association.

Article IX:

Temporary Structures. Except with the prior written consent of the Architectural Committee, no trailer, tent, shack, barn, or other outbuilding, except a private garage for not more than three cars, shall be erected or placed on any lot covered by these covenants. Except with the prior consent of the Architectural Committee, no detached shall at any time be used for human habitation temporarily or permanently.

Article XI:

Accessory Buildings. No accessory building of any nature whatsoever (but not limited to detached garages, storage buildings, dog houses and greenhouses) shall be placed on any lot without the prior written approval of the Architectural Committee, with said Committee to have sole discretion relating to the location and type of accessory building which shall be permitted on any lot.

Article XII:

Appearance. Each Owner shall keep his building site free of tall grass undergrowth, dead trees, trash and rubbish and his property maintained as to present a pleasing appearance. No trash, rubbish, stored materials, wrecked, abandoned or inoperable vehicles or similar unsightly items shall be allowed on any lot. (this covenant also covers home maintenance issues such a facia boards, deteriorating boards and paint, etc)

Article XIV:

Parking. Adequate off-street parking shall be provided by the owner of each lot for the parking of motor vehicles owned by such owner, and owners of lots shall not be permitted to park their automobiles/vehicles on the streets in the development.

Trailers, Boats, Campers etc. Owners of lots shall not be permitted to park boats, trailers, campers and all similar property on the streets in the development, and such property shall be parked in a garage or screened area which is approved by the Architectural Committee in accordance with the rules governing such items adopted by the Board of Directors of the Association.

Policy Resolution #2007-1 Screened Area Definition. Now, therefore, be it resolved that; "Screened Areas" shall mean within the rear lot space of such lot. Such "Screened Area" shall be shielded from public view, including the streets within the Subdivision, and observation from each adjoining lot by one of the flowing methodologies:

1). Planting of shrubbery of at least six feet high at the time of planting along as many sides of the object to be screened as are necessary to screen such object from view. Natural

wooded areas are not a substitute for screening, but may be considered part of the screening depending on seasonal density, or

2). Erection of a fence of appropriate height, quality, style and location as approved by the Architectural Committee pursuant to Article V and X of the Declaration of Covenants, Conditions and Restrictions for Common Properties in Banbury Woods Subdivision and Provision of Banbury Woods Homeowners Association.

The historical documentation contained herein Section 3-2 has been used for interacting with the more common and repetitive Architectural Requests (and violations) in the past. Lesser active items and further details are covered in Detailed Guidelines Section 3-4.

4-1 BANBURY WOODS ARCHITECTURAL REVIEW PROCESS

Architectural Control Procedure

The architectural control application procedure is as follows:

1. Prior to any alteration, addition, or improvement, the property owner must request architectural approval for the project by completing the “Request for Architectural Approval” form.
2. The completed form along with the required drawings must be submitted in triplicate to a member of the Architectural Review Committee.
3. Once the committee receives the completed forms, the 30-day review time frame commences.
4. The members of the Architectural Review Committee review the submission and either approve or disapprove the request.
5. The approved or disapproved forms are returned to the homeowner.
6. In the event that a request is denied, the homeowner may appeal the decision to the Board of Directors. In the event that the committee fails to respond to the request within 30 days, then the request is considered approved.

If you have further questions, please contact the Architectural Review Committee at architecture@banburywoods.com.

FURTHER DETAIL/TEXT ON PROCESS:

Each Homeowner is required to complete an Architectural Request Form and written ARC approval PRIOR to any exterior changes to their home or property per the Declaration of

Covenants and these ARC Guidelines and Residential Building Standards.

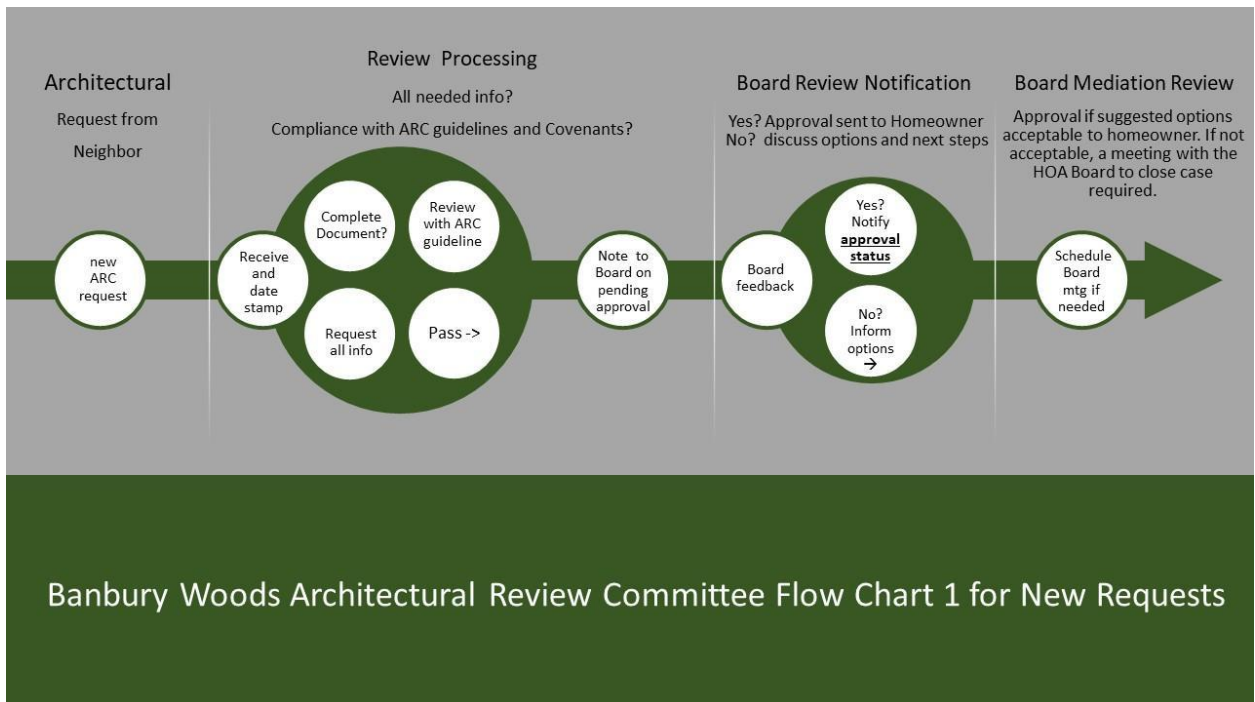
Submission Requirements:

- Architectural Request Form - available online at www.banburywoods.com
- Lot drawing to outline the position and placement of the change in relationship to property lines, easements, open space, drainage and neighboring homes
- Commercial Drawings or other plans
- The Homeowner is responsible for notifying adjacent neighbors of the changes requested. (Please indicate which neighbors have been talked to on your ARC Request Form. The ARC may contact neighbors who have not been indicated as being notified. Neighbors provide input to the ARC but do not have a veto)
- Any pertinent information to assist and expedite the ARC's decision

Submission Process:

- The Homeowner should review the Declaration of Covenants, ARC documentation and Residential Building Standards to ensure their request meets the minimum requirements of these documents governing the BBW community. If a Homeowner is in doubt, please contact an ARC or Board of Directors member.
- Submit all pertinent documents directly to the ARC. The request will be reviewed to ensure completeness and legibility. Once completeness is confirmed, that date will be annotated as the date of receipt. Copies will be distributed to the ARC members and/or to Board of Directors as discerned by this initial review
- ARC will review the request. At ARC discretion, members may wish to inspect the site, materials, contact the Homeowner for more information, etc. As well, the ARC may seek opinions for the Board of Directors if they so wish. The ARC fills out the form with its decision and copies the Board of Directors prior to responding to the Homeowner. The ARC also copies the HOA Secretary to file and retain a copy of the form for a period of seven (7) years. This detail will be included in the minutes of the next calendared HOA Board of Director meeting minutes.
- The Architecture Committee will strive to review and respond to a homeowner's submission promptly. However, according to the Covenants, the ARC may take up to 30 days to respond after the plans and specifications have been submitted and the form is verified as complete. If no response is given within this 30-day period, the request will be considered approved.
- All projects and landscaping must be completed within one (1) year
- If disapproved by the Architectural Committee, the Homeowner may appeal to the Board of Directors by submitting a written appeal to the Board at board@banburywoods.com

4-2 BANBURY WOODS ARCHITECTURAL REVIEW FLOWCHART



5-1 VIOLATIONS: NOTICE, PENALTIES, AND APPEALS POLICY

Policy Resolution NO. 1993-1 Violations

WHEREAS, Article VII, Section I(a) of the bylaws give the Board the power to establish for the infraction of rules and regulations:

WHEREAS, the Board recognizes the need for more detailed guidelines and procedures to be followed for violations and fines;

NOW, THEREFORE, BE IT RESOLVED THAT, the procedure for violations and noncompliance shall be:

1. NOTICE

a) One notice will be mailed to the/any owner noting the violation and a 30-day grace period for compliance to avoid penalties.

b) A site inspection will be performed after the 30-day grace period has expired. If the violations has been corrected, the matter will be closed. A remaining violation will result in further compliance actions.

The association reserves the right to extend the grace period based on circumstances or issue subsequent notices to better define the violation.

2. PENALTIES

a) Penalties consist of fines and contractor fees. Any violation or noncompliance remaining after notice and so stated grace period will result in a fine as described in section 2-c. If a contractor is required to correct the violation, or attorney or any other professionals are needed for compliance, any and all costs will be assessed to the homeowner's account.

b) If a contractor cannot correct the violation, additional fines will be assessed on each subsequent site visit wherein the violation remains or occurs again.

c) FINE SCHEDULE

(a) First noncompliance or violation: a fine not to exceed Fifty Dollars (\$50)

(b) Second noncompliance or violation: fine not in excess of One Hundred Dollars (\$100)

(c) Third and subsequent noncompliance, or violation or violations that are of a continuing nature: This would include reoccurring violations in which the homeowner had received a first and second notice of the same or similar violation. A fine not in excess of One Hundred Dollars (\$100) for each week and/or portion of a week of continued violation or noncompliance.

(d) Notice of the fine will be issued by letter or invoice to the lot owner

(e) Contractor or professional fees will be issued by invoice to the owner

(f) Any penalty not paid by ten (10) days from the date of notice will be added to the lot owner's account. The unpaid balance will accrue interest, will be pursued under the association's collection policy and may result in a lien against the property

3. APPEAL

a) Appeals for assessed penalties MUST be made in writing addressed and delivered to the office of the Association. Any and all appeals MUST be performed by the lot owner or his assigns.

b) Appeals will be reviewed at the next regularly scheduled Board meeting. Notice of the Board's ruling will be issued in writing to the lot owner within seven (7) days of the meeting.

c) The Board reserves the right to invite the appealing owner or his assigns to the meeting. In most cases presence will not be necessary.

d) Owners or assigns attending a meeting for appeals will not be heard without prior

written appeal and scheduling the Association. Meeting with the owner or assigns prior to reviewing written information on the matter will greatly prohibit the Board of Director's ability to discuss the matter and therefore reduce the effectiveness of the appeal. The finding of the Board is final. Additional appeals will not be considered.

6-1 BANBURY WOODS ARC REQUEST FORM

REQUEST FOR ARCHITECTURAL REVIEW FORM



Homeowner Information- Include: Resident Name, Address of property, Telephone number, and Email address:

Brief description of projects (please check the box that pertains to your project-use "other box" for information):			
✓	Project	Supporting Documentation Required	Notes
	Re-painting of exterior	Color samples for siding, trim, doors, etc.	1
	Re-roofing	Shingle color, material, color brochures? Web URLs, etc.	1
	Re-siding	Material samples and/or color brochure pictures, etc.	1
	Additions (living spaces, garage, etc)	Architectural plans (Plan view and elevations) plus above documents.	1
	Deck Addition or rebuild	Material samples or descriptions, color samples if painted	1
	Major landscaping	Plan view with drawings, tree removal #, etc.	1
	Oversized vehicle screening	Plans, drawings	
	Driveway additions	Needs to be permitted and design drawings	
	Other (describe below):	Ex: Dumpster for internal renovations	

1. **Notes:** Please check box if applicable:

☐ "Like for like" replacement-same materials, and/or colors as before. No supporting documentation needed, just dates for how long the project will take.

☐ Color "same as/similar to this address;" please provide the address and colors using in "other" box above.

Project start date:		Approximate end date:	
----------------------------	--	------------------------------	--

Homeowner agreement:

In making the above architectural changes to my property, I...

1. Agree to and adhere to the plans as submitted and ensure all State, County, and Local codes and permit requirements are met; and
2. Have alerted my surrounding neighbors that I intend to commence with an exterior project.

Homeowner signature

Date

COMMITTEE USE ONLY

- ☐ The ARC of Banbury Woods **APPROVES** your request. No changes or restrictions.
- ☐ The ARC of Banbury Woods **WILL APPROVE** this request contingent upon the following (see below):
- ☐ The ARC of Banbury Woods **DENIES** this request for the following reasons:

Signature of Committee Chair and date: _____

** Should your request be denied, you may appeal your decision to the Board of Directors of Banbury Woods.*

****After submission, the Architectural Committee has 30 days to notify Homeowner of results.**

****It is the responsibility of the homeowner to keep and retain records associated with this application.**

7-1 APPENDIX A:

Preferred fencing style per covenant fencing guideline, section 3-3



7-2 APPENDIX B:
GUIDE to BBW PROPERTY INSPECTIONS and PROCEDURES
(Historical document provided by earlier BBW Architectural Committees)

- Each property in the neighborhood is carefully examined for possible covenant violations on a monthly basis. The inspection is made by an outside inspector (2023 this was changed to inspections by Board or Committee members). Potential violations are noted.
- Based on restriction in the BBW Covenants, the committee then evaluates each item on the list generated by the inspection. A follow-up visual inspection of all potential and previous violations is also made by at least one committee member.
- A software program is used by the inspector and the Architectural Committee to log and keep track of issues, violations and Architectural approval requests.
- Until issues are deemed “closed”, they are monitored monthly and any changes are noted by the inspector and/or committee members.
- Once a violation is verified by the committee, the homeowner is contacted through a phone call and/or an official first letter. This letter indicates which covenant article is in violation and ways to rectify the issue. It also begins a 30 day period in which the homeowner has to fix the issue.
- If it is not possible to rectify the violation within the 30 day timeframe, the homeowner should contact the Architectural Committee to discuss the matter.
- A second letter is sent by the Architectural Committee after 30 days if the issue was not fixed or addressed during that time. A hearing to discuss the violation with the HOA Board members is requested.
- The covenants require that the Board levy fines and property liens when necessary.
- For further details please consult the covenants, bylaws, amendments, and resolutions. An abbreviated version that specifically addresses relevant restrictions is also available. All documents are available on our website www.banburywoods.com

Covenant restriction and violations include: *(but are not limited to)*

Trailers, Boats, Campers and similar (Article XIV)

- Not allowed in driveways
- Allowed only in rear of lot
- Should be completely “screened from public view”, including from other streets
- Screening method must be approved by the Architectural Committee

Note: Obviously inspectors and committee members cannot look into back yards from the street front. But if it can be seen from the next street, then it is in violation.

Fences also including mass plantings and wall hedges (Article III, Resolution 2007-1)

- All fences require approval
- No chain link or wire fencing

Note: Temporary fencing i.e. fences meant to keep deer from new plantings is considered on a case by case basis.

Signs (Article VIII, Resolution 1-1988)

- One “for sale” sign or “for rent” sign is allowed
- Contractor signs are not allowed
- Political signs are allowed only during election periods
- Other signs subject to the Architectural approval process

Note: Small mailbox signs and similar are fine, placement may require approval

House Painting, re-roofing, residing or other potential color changes to exterior (Article III)

- Subject to Architectural approval process

Construction Work (Article III)

- Exterior work is subject to Architectural approval
- Alterations to road allowance or other property extension

Parked Cars on street (Article XIV)

- Vehicles are not allowed to be parked on the streets overnight

Appearance Issues (Article XII)
(not allowed)

- Large brush piles
- Dead trees
- Rubbish/trash (junk, refuse, garbage, useless materials)
- Unsightly stored materials – for example: building materials that are not in use
- Wrecked, inoperable or unregistered vehicles
- Poorly maintained or mismatched house exterior paint
- Poorly maintained house siding
- Poorly maintain exterior trim
- Inadequate clean up from tree work including large stumps
- Unmaintained grass, shrubbery, or other landscaping
- Holiday decorations still visible long after the season
- Mass removal of trees on lot
- Unmaintained mailboxes or posts
- Any other unsightly items

Home Businesses (Article VIII, Resolution 1-1988)

- Limited home office allowed
- Signs, construction vehicles or equipment parked on property are not allowed
- No trade materials or inventories may be stored on property
- On street parking associated with the business is not allowed

7-3 APPENDIX C:
BBW SUPPORTING COVENANTS, BYLAWS and RESOLUTIONS
(historical documentation from Architectural Committees since BBW establishment)

Article III:

Site and Plan Approval. No building, fence, swimming pool or any other structure shall be erected, placed, or altered (including without limitation, changing materials, or color of any exterior portion of any such improvements), in said development until the building plans, specifications, and plot showing the location of such improvements, have been approved in writing as to conformity and harmony of exterior improvements in the development, and as to location of the improvements with respect to topography and finished ground elevation by an architectural committee.

Article X:

Fences. No fence, wall hedge, or mass planting shall be permitted to extend beyond the front of any dwelling or beyond the minimum building front setback line or within 50 feet of any street right of way line established herein except upon approval by the Architectural Committee.

No fence of any kind whatsoever, including but not limited to chain link and wire fencing, shall be installed or erected without prior approval by the Architectural Committee, provided however, under no circumstances shall a chain link or wire fence be approved that is visible from the street.

Article VIII:

Nuisances. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

No Signs or Billboards shall be erected or maintained on the premises. No trade materials, inventories, or equipment may be stored or regularly parked on the premises.

Policy Resolution 1 from 1988. Now, therefore, be it resolved that, all signs other than (1) "For Sale" or "For Rent" sign per lot shall require Architectural Committee approval through the normal application process.

No Business Trade or Activity may be conducted on any lot with the exception of a limited office at home if permitted by the Board of Directors of the Association.

Article IX:

Temporary Structures. Except with the prior written consent of the Architectural Committee, no trailer, ten, shack, barn, or other outbuilding, except a private garage for not more than three cars, shall be erected or placed on any lot covered by these covenants. Except with the prior consent of the Architectural Committee, no detached garage shall at any time be used for human habitation temporarily or permanently.

Article XI:

Accessory Buildings. No accessory building of any nature whatsoever (but not limited to detached garages, storage buildings, dog houses and greenhouses) shall be placed on any lot without the prior written approval of the Architectural Committee, with said Committee to have sole discretion relating to the location and type of accessory building which shall be permitted on any lot.

Article XII:

Appearance. Each Owner shall keep his building site free of tall grass undergrowth, dead

trees, trash and rubbish and his property maintained as to present a pleasing appearance. No trash, rubbish, stored materials, wrecked, abandoned or inoperable vehicles or similar unsightly items shall be allowed on any lot. (this covenant also covers home maintenance issues such as fascia boards, deteriorating boards and paint, etc)

Article XIV:

Parking. Adequate off-street parking shall be provided by the owner of each lot for the parking of motor vehicles owned by such owner, and owners of lots shall not be permitted to park their automobiles/vehicles on the streets in the development.

Trailers, Boats, Campers etc. Owners of lots shall not be permitted to park boats, trailers, campers and all similar property on the streets in the development, and such property shall be parked in a garage or screened area which is approved by the Architectural Committee in accordance with the rules governing such items adopted by the Board of Directors of the Association.

Policy Resolution #2007-1 Screened Area Definition. Now, therefore, be it resolved that; "Screened Areas" shall mean within the rear lot space of such lot. Such "Screened Area" shall be shielded from public view, including the streets within the Subdivision, and observation from each adjoining lot by one of the following methodologies:

- 1). Planting of shrubbery of at least six feet high at the time of planting along as many sides of the object to be screened as are necessary to screen such object from view. Natural wooded areas are not a substitute for screening, but may be considered part of the screening depending on seasonal density, or
- 2). Erection of a fence of appropriate height, quality, style and location as approved by the Architectural Committee pursuant to Article V and X of the Declaration of Covenants, Conditions and Restrictions for Common Properties in Banbury Woods Subdivision and Provision of Banbury Woods Homeowners Association.

The historical documentation contained herein Section 3-1 has been used for interacting with the more common and repetitive Architectural Requests (and violations) in the past. Lesser active items and further details are covered in Section 3-3.

7-4 APPENDIX D:

Historical Neighborhood Architectural Flyer (Archived/Multi Year in Use Document)

Notes from the Architectural Committee (architectural@banburywoods.com)

Did You Know?

We hire an outside inspector to drive through the neighborhood once a month and report issues to the committee. We use a software program to keep track of all issues per address. Violation letters are written or phone calls are made in response. Read below for some examples to help you AVOID FINES!

Approval is Required for the following:

- ✓ Making exterior improvements such as changing the paint color or the construction of an addition
- ✓ Boats and trailers can not parked in your driveway and must be in an approved screened area
- ✓ Installing a new shed, garage or storage building must be approved
- ✓ Mass plantings and mass removal of landscaping must be approved (not if it's just flowers or the occasional tree)
- ✓ Brush piles must be screened from view (that's why we do a neighborhood chipper day in the spring)

No Approval is Required for:

- ✓ Interior remodeling (permits thru the county may be required/let us know if you will have a dumpster)
- ✓ If you are painting the exterior the same color (we like to know about it, but do not need to approve it)
- ✓ Repairs to driveways or sidewalks
- ✓ Roofing replacement or repairs

Other tips:

Parking on the street is only allowed temporarily, not as a permanent parking spot! We all have huge driveways for that!

Contractors are not allowed to post signs advertising their work before, during or after the job is done as per our covenants.

Please be respectful of your neighbors – keep your yard tidy and your pets contained and quiet! We receive a lot of complaints about barking dogs and dog “treats” being left in your neighbor’s yards.

Please refer to our neighborhood covenants for details. They are posted at www.banburywoods.com and <https://banburywoods.nextdoor.com>