

5/12/04

Foxwood Forest Architectural Control Board and Basic Property Owner Guidelines

- I. Introduction
- II. Design Review and Approval Procedures
- III. Architectural Review Procedures and
Approval Process

FOXWOOD FOREST ARCHITECTURAL DESIGN STANDARDS

I. INTRODUCTION

The Architectural Control Board of Foxwood Forest was created to protect the environment and to insure that homes are well designed, well constructed and compatible with the existing architectural direction within the community. Architectural Design Guidelines are an extension and illustration of the Covenants, Conditions and Restrictions and are intended to aid property owners, architects and contractors in designing, planning or modifying their homes.

Central to the design philosophy at Foxwood Forest is a sensitivity to the area's natural beauty, both in site planning and in architectural approach. The Declarant, Foxwood Forest Property Owners Association and the Architectural Control Board are committed to making Foxwood Forest one of the most desirable communities in Albemarle County.

- A. This document describes the policies and procedures of the ACB, and specifies design standards, submission requirements and the design review process.
- B. The ACB recommends the applicant review this criteria prior to beginning design drawings, submitting plans for preliminary review or beginning construction drawings. Construction cannot commence until the drawings are reviewed and approved. Any new or post construction, including pools, room additions, new landscaping or changes added to the approved drawings or removal of trees must be reviewed and approved by the ACB.
- C. Disclaimer – These design standards shall be enforced to the extent that they do not violate existing laws or administrative regulations.
- D. General Provisions - These standards have been established pursuant to the Foxwood Forest Covenants and Restrictions. Contractors, owners and architects should review all of these documents.
- E. The ACB and/or the Declarant reserves the right in its sole discretion to grant individual owners the right to encroach upon easements and setbacks on the plat of the subdivision, or grant variances of its rules and regulations herein where deemed necessary by the ACB to preserve trees, views, maintain the overall aesthetics of the area or such reasons as the ACB deems advisable.
- F. Any issue, statement of policy or guideline not found or mentioned within this document cannot be construed as being approved or permitted without the specific case being brought before the ACB and ruled on accordingly. The fact that something is not mentioned or covered does not constitute authority to act.
- G. Enforcement – It is the owner/contractor's responsibility to ensure that their employees, subcontractors, agents and assigns adhere to all provisions within these documents and the Declaration of Restrictions. Violations will be the owner/contractor's responsibility to police and correct, and not that of the ACB.

- H. Following plan approval, any change, modification or alteration to the exterior of the building without written approval by the ACB must be brought to compliance with the approved plans.
- I. Charge-Back and Invoices- Owners/contractors will be notified by the ACB when a violation or infraction of these standards and/or the Covenants and Restrictions has occurred. The ACB will notify the owner/contractor of said violation and will be given adequate time to correct. In the event the violation is not corrected, the ACB will advise the POA Board who will decide whatever action is required, and the owner/contractor will be charged for all expenses incurred.

II. DESIGN REVIEW AND APPROVAL PROCEDURES

A. Architectural Control Board

As established in the Foxwood Forest Declaration of Restrictions, the ACB reviews and approves all drawings (including site plans, landscape plans, etc.) for residences or additions to residences in Foxwood Forest. Any new construction, building expansion, addition, modification, or new landscape work conducted after the commencement of initial construction is subject to the requirements in this document and the review of the ACB.

B. Intent

The ACB is responsible for ensuring that these guidelines are met while encouraging creativity and diversity. Although there is no specific architectural style which is required in Foxwood Forest, each home should be designed to blend in with the natural character and layout of Foxwood Forest and should be designed to remove a minimum number of trees.

C. Function

The primary function of the ACB is to review building applications, drawings, materials, and specifications for adherence to these guidelines and the Covenants and Restrictions. The Declarant and the ACB do not assume responsibility for the following:

1. The structural adequacy, capacity, or safety of the proposed improvement or structure.
2. Soil erosion, non-compatible or unstable soil conditions.
3. Compliance with any or all governmental building codes, zoning codes, safety requirements or ordinances.
4. Performance or quality of work of any contractor.
5. Site conditions before, during or after construction including elevations thereon.

D. Variances

Any variances or deviations from the criteria which could be granted, shall be considered unique and will not set any precedent for future decisions. All such

variance requests shall be reviewed on an individual case-by-case basis, and any determination shall be governed by the authority of the ACB.

III. ARCHITECTURAL REVIEW PROCEDURES AND APPROVAL PROCESS

- A. Preliminary design approval
- B. Plan review for final approval
- C. Construction documents requirements
- D. Design guidelines
- E. Construction requirements
- F. Final compliance approval

A. Preliminary Design Approval

The ACB will review sketches of preliminary drawings of house plans, site plans, landscape plans, or other items to provide the Owners' conceptual approval or suggested changes prior to the preparation of construction ready final plans. Preliminary approval does not imply approval to start lot clearing, site work, landscaping or house construction. FINAL PLAN APPROVAL, payment of appropriate fees, and stakeout review are required prior to beginning lot clearing or construction activities. Preliminary review is NOT A REQUIRED part of the ACB review process, but an available step to provide the owner input prior to the expenditure of funds for design work.

B. Plan Review for Final Approval

1. Plan submittals:

At least one (1) set of plans and all related data must be submitted to the ACB and will be retained by the ACB as part of its records. Should the Owner desire plans be returned with comments, a minimum of two (2) sets must be submitted. While the ACB has up to thirty (30) days to respond to submittals, it is the policy of the ACB to respond as quickly as possible. The Owner and/or Owner's representative will be notified of the ACB's action in one of the following ways:

- *Approved as submitted
- *Approved subject to stated conditions; or
- *Disapproved with comments

2. Submittal Forms:

A Foxwood Forest ACB Submittal Form (Attachment 1) must accompany EACH plan submitted to the ACB. A single Submittal Form may accompany plan submissions for several types of plans with each item so noted on the Submittal Form.

3. Meeting Attendance:

Owners and/or the Owner's representative MUST attend the ACB meeting to discuss the submission of plans. It should be noted that involvement of a design professional or contractor does not relieve the owner of the responsibility to meet ACB requirements.

4. Plan Review:

1. Final Site Plans and House Plans:

The ACB will review plans submitted in accordance with the established Guidelines on a weekly basis until all issues are resolved to the satisfaction of the ACB, and final plans approved. A site plan must accompany house plans before final approval is granted for either. Review and approval of plans by the ACB does not constitute approval of requirements of Albemarle County, or of the structural or engineering sufficiency and the ACB its members or Foxwood Forest LLC assume no liability or responsibility therefore.

2. Plan Modifications:

Any modifications or additions to approved plans including material or color changes must be submitted to the ACB for approval prior to implementation.

3. Compliance Deposit:

Non-select builders will be required to sign a Damage and Completion Deposit Agreement and pay a minimum of \$2,500. Monies will be refunded upon satisfactory completion of all phases of the project.

4. Pre-construction Requirements:

Prior to the start of construction, site plan and house plan approval must be obtained in writing. Additionally, the owner or their agent must meet on their lot with a representative from the ACB to review stake out of the approved site plan. Each corner of the house should be clearly marked and the driveway defined with flagging tape. Any additional areas to be cleared should also be clearly marked with flagging tape.

5. Final Inspection:

Following the completion of all site work, house construction, landscaping, other construction or installation activities and site clean up, the ACB will perform a final inspection. In this inspection the ACB will confirm:

*The siting of the house, driveway, walkways, retaining walls, and other items as well as materials used conform with the approved site plan and any approved modification.

* The exterior of the house, including materials and colors, and architectural details conform with the approved house plans and any approved modifications.

* The landscaping conforms with the approved landscaping plan and any approved modifications.

In the judgment of the ACB if compliance has been satisfactorily met a Certificate of Compliance will be issued and the \$2,500 deposit will be refunded.

C. Construction Documents Requirements

1. Site Plan/Topographic Map

A site plan must be submitted at a scale of 1" = 10', and must include the following information:

- * Owner's name.
- * Lot number.
- * Name of company or person who prepared the plan.
- * Date plan prepared.
- * Utility and drainage easements.
- * Building setback line.
- * All proposed structures including decks, porches, terraces, stoops, HVAC equipment, outbuildings and play equipment.
- * Driveway, walks, parking, fences, swimming pool, site lighting, retaining walls and any other elements visible from outside the home.
- * Topographic contour lines at two (2) foot intervals indicating areas of significant grade change and natural drainage areas.
- * The area to be cleared and areas of existing vegetation to remain. Selected trees to remain in areas to be cleared should be indicated.
- * Well and septic field locations.

2. House Plans

An architectural seal is preferred for all house plans but is not required. Specific information to be submitted with house plans includes the following:

- * Owner's name.
- * Lot number.
- * Name of company or person who prepared the plan.
- * Date plan prepared.
- * House elevations at a scale of 1/4" = 1' with notes indicating all exterior finished and materials, accurate grade lines, and any attached elements such as decks and retaining walls.
- * Floor plans at a minimum scale of 1/8" = 1' scale.
- * Architectural details for exterior doors, windows, porches, and entrance features are encouraged and be required by the ACB prior to final plan approval.
- * Material and color samples may be required by the ACB prior to final plan approval, but, in any case, are required prior to installation.
- * Elevations for any secondary structures, such as garages, storage buildings, etc., at the same scale and providing the same information as the house plans.

- * Elevations for any secondary structures, such as garages, storage buildings, etc., will be at a scale of $\frac{1}{4}'' = 1'$ with notes indicating all exterior finishes and materials, accurate grade lines, and any attached elements such as decks and retaining walls.

D. Design Guidelines

These guidelines were developed to promote a uniform compatibility within the development. The Architectural Control Board will continue to be very sensitive to each homeowner's desires and wishes. As Foxwood Forest grows the relationship of each residence to its neighbor will become increasingly important and will be a prime consideration in the design review process.

1. HOUSES:

A) Foundations:

- * The owner and builder should strive to minimize exposed foundation walls. Exposed foundation shall be covered with brick, stone, or stucco in a complimentary color to the house and accepted by the ACB. Uncovered concrete, painted block, or wood materials are unacceptable.

B) Roof:

- * Primary roof shape may not be flat. A recommendation for roof pitch is that the minimum not be less than 1:4 pitch and the maximum shall not exceed 1:12 pitch.
- * Wood shakes, architectural asphalt shingles, sheet metal, copper and slate roofs are acceptable. Asphalt or fiberglass shingles must be rated at a 30-year minimum. Asphalt roof colors must be dark brown, dark gray or black. A copper roof may be allowed to finish naturally, and raised seam metal roofs must be dark in color.
- * All plumbing vents must be painted black where they exit from the roof.

C) Siding:

- * It is suggested that brick, stone, cedar, cypress, redwood, composition concrete siding such as Hardiplank®, be used as exterior finish. Other exterior materials may be considered by the ACB depending on the particular specifications.

D) Windows/Doors/Trim/Shutters:

- * No natural metal finish such as aluminum finish windows, storm doors, or doors are to be used. Metal windows and doors must be of a painted or baked enamel finish. Window screens and storm doors must be white, anodized bronze or match the trim or body color of the house. The style of storm doors must be approved by the ACB.

E) Garages:

- * Side loading and rear entry garages are preferred.
- * Front loading garages are discouraged except in situations where lot width or grade conditions make side loading undesirable or impossible.
- * A minimum two-car garage either detached or attached is required for any house in Foxwood Forest.

F) Decks:

* Decks need to be solid, stained, or painted. If wood deck supports are used, they should be a minimum of 8x8 posts and solid, stained, or painted. Other supports such as brick or stone pillars are encouraged.

2. LANDSCAPING

Although there is no specific landscape architectural theme in Foxwood Forest, it is important that the development of the landscape and site plan be a logical extension of the house and surrounding natural environment. The design for the lot and landscaping should evolve together and should blend with the natural environment.

The Foxwood Forest ACB wants to insure that the individual property and community values are enhanced and maintained through the use of foundation, screen, accent, driveway and street plantings employing mature indigenous shrubs, trees, ground cover, grass, berms, and other elements as may be acceptable to the Architectural Control Board.

* The ACB has no intention of preventing or discouraging any homeowner from enjoying the best possible view, however, clear cutting or scalping of any lot will be subject to ACB approval.

* In seeding and/or sodding of the lot positive drainage must be maintained from the edge of the road through the ditch line.

* Statues or any other ornamental pieces that are in the front yard may be subject to approval by the ACB.

* Additional landscaping may be required to address erosion control and other site sensitive situations such as parking areas. Where mulch is used as an erosion control measure it must include plantings for stabilization.

3. SITE IMPROVEMENTS

A) House:

* Required setbacks by Albemarle County are 75' for front (or both sides with street frontage on corner lots), 15' for side yards and 20' for rear yards. Front setback may be reduced by the ACB to 25' depending on the specific conditions.

B) Driveways:

* Where a pipe is required at the entrance to accommodate drainage, 15" diameter by 24' long corrugated metal pipe (CMP) must be used, and flared metal ends are required.

* Where required, the CMP must be installed before site work begins.

* Curved driveways are encouraged.

* Driveways must be paved with asphalt. In parking courts other hard surface paving materials may be used but require approval of the ACB.

C) Exterior Lighting:

- * Landscape lighting is encouraged, but requires ACB approval.
- * Light post location shall be submitted with site plan or landscaping plan.
- * House mounted fixtures including flood lights are acceptable, but should be directed in such a manner as to minimize the impact on adjacent property.

D) Fences:

- * All fence proposals must include a foundation survey showing the current location of existing structures with the proposed area shown.
- * Boundary fencing must be a three (3) or four (4) plank dark stained fence and be placed a minimum of five (5) feet from the property line to allow room for maintenance.
- * Invisible fences will be two (2) feet inside property line.
- * All other fences such as pool enclosures, privacy fences, dog kennels and decorative fencing for landscaping purposes will be considered by the ACB on an individual basis.

E) Mailboxes:

- * Mailboxes will be provided by Foxwood Forest, LLC for each new residence. Any alterations in color or design must be approved by the ACB. Replacement of the mailbox, when required, will be the responsibility of the owner, and must be the same design as the original.

E. Construction Requirements

1) Construction Period:

House construction, including landscaping, must be completed within one (1) year except for complications as outlined in Article V sec. 6.16 of the Covenants and Restrictions. Framing must be complete within ninety (90) days of lot closing.

2) Fire Burning Policy:

Burning of clean wood and paper products in 55 gallon drums for the warming of workers during cold weather months is permitted on construction sites. No other types of fires are permitted and no other types of materials are allowed to be burned. County codes are to be obeyed at all times.

3) Trash and Construction Debris:

Each construction site must have some type of metal trash container located on the premises. The area must be kept neat and free of litter and debris.

4) Construction Hours:

Due to increasing numbers of residents at Foxwood Forest, construction activities may not start until after 7:00 A.M.

4) Portable Toilet Facilities:

Each builder is responsible for providing a portable toilet facility at the construction site. Sharing of the toilet with another builder is acceptable to the ACB, but must be arranged by the builders.

5) Materials Storage:

Construction materials may not be stored on a lot earlier than two weeks prior to the start of construction, and not before final house and site plan approvals have been obtained.

6) Mud Control:

A gravel surface to the construction area must be maintained at all times to keep mud from being tracked to adjacent streets. If mud is tracked onto the streets from construction, builder is responsible for cleaning after each day. If builder does not clean the road, Foxwood Forest ACB will clean the road and bill the builder.

7) All equipment must be loaded on the lot.

No tracked vehicles or equipment are allowed on paved streets for any reason.

8) Damage to street shoulder occurring as a result of construction must be corrected by the Owner/Builder at the completion of construction.

9) Prior to the start of construction, all utility companies must be contacted by the Owner/Builder to mark the location of underground utilities.

Area disturbed to connect utilities must be restored by the Owner.

10) Silt fences, required during the construction period, are the responsibility of the Owner/Builder to install and maintain.

11) Contractor Parking:

When possible, parking must be contained on the lot under construction. If this is not possible, parking is not permitted on shoulders or vacant lots.

F. Final Compliance Approval and Review

When construction is complete, the Foxwood Forest Architectural Control Board must be notified for a final compliance review. A Certificate of Compliance will be sent to the Owner and Builder indicating satisfactory completion of the house according to approved drawings, exterior colors, proper siting, and the appropriate landscaping requirements. The compliance deposit will be refunded to Homeowner or Builder when all criteria are met.

Attachment 2

Foxwood Forest
ACB -- Construction Agreement Form

Lot Number: _____ Owner: _____
Stakeout review Date: _____ By: _____

Review with: _____

Plan approvals required prior to standing construction:

Site Plan dated: _____ Approval: _____
House plan dated: _____ Approval: _____

Stakeout Review:

House siting conforms to approved site plan: _____
Driveway/parking areas conform to approved site plan: _____
Clearing area conforms to approved site plan: _____
Trees to remain in cleared areas are marked: _____
Other: _____

Lot stakeout is approved: _____ Disapproved: _____ By: _____

Agreements relative to construction:

1) Start date is _____. Framing must be complete within 90 days of closing. House construction, site work and landscaping must be complete within one year of start date.

2) Condition of shoulders at lot and adjacent lots is _____

Owner/Builder agrees to restore shoulders to existing condition at the completion of construction.

3) Driveway culvert is ____ is not ____ needed. If needed, the culvert will be installed prior to the start of construction, and will meet the requirements set forth in the ACB Guidelines.

Attachment 2

Foxwood Forest
ACB -- Construction Agreement Form (page 2)

4) Owner/Builder is responsible for maintaining the street adjacent to the lot in a clean condition during the construction period. Mud and other debris that accumulates on adjacent street as a result of construction must be removed by the Owner/Builder. A gravel surface must be maintained at all times onto the construction site.

5) Owner/Builder must contain construction debris on site during the construction period. The means of trash containment for this site will be

6) All equipment must be loaded and unloaded on the lot. No tracked vehicles or equipment are allowed on paved streets for any reason.

7) Restoration of areas disturbed for the connection of underground utilities must be restored by Owner/Builder.

8) Burning is not allowed other than of wood and paper products in 55 gallon drums for the purpose of warming of workers. Owner/Builder is responsible for meeting all requirements of Albemarle County or other agencies for the purpose of such burning in 55 gallon drums.

9) Owner/Builder is responsible for providing toilet facilities at the site. Such facilities will be provided in the following manner: _____

10) All requirements of Albemarle County or other agencies are the responsibility of Owner/Builder.

11) When possible, parking must be contained on lot under construction. If this is not possible, parking is NOT permitted on shoulders or vacant lots.

Agreed to:

_____ Owner/Builder/Agent Date: _____

_____ ACB Date: _____

Foxwood Forest
ACB -- Submittal Form

Lot Number: _____ Owner: _____
Submission Date: _____

Submitted By: Name: _____
Address: _____
Phone: (W) _____ (Fax) _____
(H) _____ (Cell) _____

PURPOSE OF SUBMISSION:

PLANS SUBMITTED: (Indicate type, plan date, and designer for each plan)

OTHER ITEMS SUBMITTED: (materials, colors, etc.)

Date Reviewed: _____ By: _____

Action by ACB:

Lot # _____

Foxwood Forest Exterior and Finish Materials

Foundation: _____
Siding: _____
Roof: _____
Chimney: _____
Driveway: _____
Windows: _____
Doors: _____
Fencing: _____
Other: _____

Colors and Brand

Brick: _____
Stone: _____
Siding: _____
Trim: _____
Shutters: _____
Roof: _____
Front Door: _____
Garage Doors: _____
Other Doors: _____
Fencing: _____
Other: _____

Additional Comments: _____

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Fencing: _____
Other: _____

Additional Comments: _____

