

Salem Woods Exterior Appearance Standards

November 30, 2012

1. Each of said lots shall be used exclusively for residential purposes, and no building, wall, fence, swimming pool, bathhouse, dock bulkheads, aerial, receiver, antenna, doghouse, tool shed, playhouses, play sets, gym sets, swing sets, arbors, flagpoles, ponds, waterfalls, fountains or other structure shall be placed upon any of said lots unless and until the plans and specifications therefore, and the plot plan have been approved in writing by the SWCA Board of Directors. All plans, specifications, and plot plans shall be submitted in duplicate, with one set to be retained by the SWCA if approved, and shall include a floor plan or structures plan drawn to scale based directly off and from the Plat for said lot, front elevation, and an appropriate landscaping plan providing for a reasonable number of trees and shrubs. Each such building, wall, fence, swimming pool, bathhouse, dock bulkheads, aerial, receiver, antenna, doghouse, tool shed, playhouses, play sets, gym sets, swing sets, arbors, flagpoles, ponds, waterfalls, fountains or other structure shall be placed on the lot only in strict accordance with the plans and specifications so approved. Refusal of approval of plans and specifications by the SWCA may be based upon any ground, including purely aesthetic grounds, which in the sole and uncontrolled discretion of the SWCA shall deem sufficient. (Without in any way limiting the foregoing plans and specifications providing for cinder block or asbestos siding will be disapproved.) No alterations in the exterior appearance of any structure shall be made without approval. Requests and plans that are rejected may be appealed. Appeals on a case by case basis, will be heard in person, before the SWCA Board of Directors, at a time when such business can be entertained and supported within the Agenda of the monthly meeting of the Board of Directors. An Appeal must be requested and scheduled with the office manager or Secretary of the SWCA Board of Directors as feasible, consistent with the work load of the Board of Directors. Because of the deliberations that are afforded each request on its initial consideration, appeals are not normally successful. The SWCA reserves the right to designate from time to time one or more individuals, associations, or corporations to act in the approval or rejection of such plans and specifications, and for the enforcement of the provisions of this Declaration, and each such designee shall have the same powers and authority as are reserved to the SWCA for the administration, enforcement, and carrying out of the provisions of this Declaration. Authority shall continue and remain vested in each such designee until such time as the SWCA shall cancel and terminate the designation by an instrument under seal. If for any reason the powers so granted are terminated by court order to otherwise, then the same shall automatically revert to the SWCA. Should the SWCA fail to approve or disapprove the plans and specifications submitted to it by an owner of one or more of said lots within forty-five (45) days after receipt of written request therefore, as specified above, then such approval shall be deemed to have been given: provided, however, that no building or other structure as delineated above shall be erected or be allowed to remain on any of said lots which violates any of the covenants, restrictions, or conditions herein contained, or contained in the SWCA Code of Standards, or any city or state zoning regulations or real estate law. Any subsequent dismantling and or removal of said structures as a result of violations of these codes or regulations is the complete and full responsibility of the current occupant of the residence or said lot in question, alone. To proceed with a modification or construction plan without final written approval of the SWCA is done at the owners risk

and that party assumes all potential liability, including possible legal action. Consent by neighbors or occupants of adjoining lots, written, tacit or verbal, to actions that are in opposition to these Codes and Standards or the decisions of the Board of Directors does not alleviate the resident from compliance and does not repeal, waiver, provide variance or modify these Codes of Standards.

2. No structure shall be erected, altered, placed or permitted to remain on any of said lots, other than one detached single family dwelling, not to exceed two and one-half stories in height, and other necessary buildings used in conjunction with said residence, including a detached garage for not more than three cars. No garage apartment or similar structure shall be permitted without prior approval of the Board of Directors.

3. The SWCA reserves easements for the installation, repair maintenance and /or replacement of drainage systems, water mains, gas mains, electrical cables, television cable systems, poles, wires, fixtures, etc., and for electric and telephone service and relocation thereof, in, along, over, under, and across all streets, alleys, and public places shown on the Plat and within the easements dedicated to the City of Virginia Beach, VA, shown on the Plat.

4. The dwelling erected on any of said lots shall, at the time of construction, be connected to public sewer and water systems.

5. No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done there on which may be or become an annoyance or nuisance to any adjoining lot or the neighborhood.

6. None of said lots shall be divided or subdivided so as to make more than one building lot out of same, but portions of a lot may be combined with any adjoining lot.

7. No trailer, tent, shack, garage, barn, shed, or other structure shall at any time be used as a residence, temporary or permanently, on any of said lots, nor shall any residence of a temporary character be permitted thereon, nor shall any structure be moved onto any of said lots unless (a) it shall conform to and be in harmony with the existing structures in the subdivision, and (b) it shall have been approved in writing by the SWCA.

8. No animal, fowl, or swine shall be harbored or permitted upon any of said lots, except those migratory fowl as may pause from time to time in the neighborhood and except animals customarily considered household pets (e.g. dogs and cats).

9. For future development, no residence shall be erected on any of said lots with less than 1800 square feet of living space in the case of a one-story building or less than 2000 square feet of living space in any residence of more than one story. The term "living space" as used herein shall be determined by exterior perimeter measurements exclusive of garages, unfinished rooms over garages, porches, and breezeways. No dwelling erected upon any of said lots shall be occupied until it has been completed and certified for occupancy by city zoning personnel. No outside stairway shall be permitted tony second floor.

10. No fence shall be erected on any of said lots without the prior written approval of the Deed Restrictions Committee (DRC). No fence will be allowed in front of the front line of any house. No fence shall be more than 6 feet in height. Eight (8) foot fencing will be permitted only on the perimeter of the subdivision. For yards with pools, all fence siding must face outward, with fence posts inside. Fencing material shall either be split rail, board on board, stockade or vinyl. Fences will be maintained in either a natural wood finish or stain complimentary to the house and neighborhood. Barbed wire, chain-link or "chicken wire" fabric fences are specifically prohibited. When repairing or replacing fencing on the perimeter of the subdivision the new fencing material (i.e. type of wood, board, shape, overall fence design) will conform to the existing fence material.

11. All oil and fuel tanks shall be buried in the ground in strict accordance with prevailing City and Environmental Protection Agency (EPA) controls and guidelines, and no barrel or tank of any nature shall be permitted for storage in a n exposed place on any of said lots.

12. With the exception of those noted herein, no sign of any kind shall be displayed to the public view on any lot except one sign of not more than 4 square feet advertising the property for sale or rent, or one sign of not more that 1 square foot indication the use of well water for the watering own and shrubs as required by City law and ordinance.

13. No lot shall be used or maintained as a dumping ground for rubbish, garbage, or other waste. All rubbish, garbage, and other waste shall be kept in sanitary containers at all times, screened from public view except when placed on or by the street for collection during any regular collection day and in a manner so designated by the collection agency. It is not desired that containers or material positioned by the street for collection remain there any longer than, the evening prior to the collection until the evening of the day of collection.

14. No driveway shall be constructed or modified, or maintained to or on any of said lots in any manner as to obstruct the normal drainage of the street on which said lot fronts, and to that end such driveway shall have either an apron of proper design or an adequate drain pipe installed under the driveway for the purpose.

15. Driveways shall be used strictly for the parking of privately owned vehicles. The parking of large commercial vehicles, school buses, recreational vehicles, boats, or trailers of any size in driveways or in front of residences is prohibited. Trailers and/or boats and recreational vehicles may only be parked on that portion of a driveway that is behind the front plane (street side) of the house. In the case of houses on corner lots with side loading garages, this restriction applies to both the front and the side of the house which face a street. Driveways will not be used for the routine open storage of tools, trash cans, children's toys, inoperative vehicles, or used for lengthy repairs, restorations or overhauls on vehicles (14 day maximum).

16. Front, side, and rear yards shall be neatly cared for and maintained. Shrubs and trees must be regularly trimmed as needed. At those residences where a public or community sidewalk is provided,

tree branches and shrubbery must be trimmed and pruned to allow unencumbered use of the public sidewalk. (Normally this is considered the width of the sidewalk to a height of at least 6 feet.) In times of significant snow fall these public sidewalks must also be cleared within 24 to 36 hours of the occurrence to prevent accidents and injury to other residents. Grass should be cut and trimmed on a frequent basis to present a well groomed appearance. Any dead limbs, shrubbery, or trees should be promptly removed. Homeowner's property subject to easements, even if located behind rear fences is included. Inoperative vehicles shall not be kept on the lot. Self-propelled wheeled vehicles (cars, trucks, motorcycles, motor bikes, mopeds, etc.) are not permitted to be parked on commonly held community grassy areas and are not to be routinely parked (i.e. overnight) on grassy areas of individual lots (i.e. front or side yards). To the maximum extent possible, residents shall park vehicles off the streets in the driveways provided at each residence. This provides for safer traffic flow and less congestion on our streets and facilitates deliveries by various service providers. Unsightly items shall not be kept in the front or side yards. Clotheslines will be retractable or portable, and will then be taken down when not in use. Clothes are not to be left out on a line for unnecessary lengths of time (24 hours maximum). Garden hoses, when not in use, will be coiled up and stored out of public view.

17. Firewood will be stacked in the rear or side, behind the front plane of the house and in any event, out of public view from the street. Firewood is not to be stacked in driveways.

18. Large play toys and structures of a permanent nature such as swing sets, jungle gyms, playhouses, etc. will be placed in consideration of adjacent property owners and within one's property lines. Colors of such structures must be of natural finish or stain to blend in with the colors of other large exterior structures. Skateboard ramps are prohibited. Basketball hoops are permitted: they are not permitted curbside on streets, on city right-of-ways, where likelihood of player/pedestrian injury may occur, or attached to light posts, in accordance with city codes. Portable Basketball hoops and stands are to be stored off of public streets, including residential courts after each use, in those cases where use necessitates that the Basketball hoop/goal must be positioned street side.

19. All external antennas and satellite dishes (greater than 18 inches in diameter) are strictly prohibited. After site inspection by a DRC representative/inspector and SWCA Board of Directors approval, Digital Satellite systems and mini-dishes (18 inches maximum diameter) meeting the following installation criteria will be permitted. (1) Neighbors from all adjoining lots must sign the Request for Approval. (2) After installation, the dish is not visible to the public from any street or driveway. In order to satisfy the spirit of this standard, the installation must appear to be completely invisible/transparent to the community. Systems that are installed without approval and do not meet this criteria will be removed at the owner's expense in accordance with stipulations of Owner's Liability as detailed in other portions of these documents.

20. Storage sheds must be of wooden or durable vinyl (i.e. double wall or solid, with molded in color) construction and kept in a well-maintained manner. Wooden sheds may be covered with siding, left natural, painted, or stained to compliment the house and neighborhood in colonial Williamsburg colors:the color of solid vinyl sheds must also be selected to compliment the house and neighborhood in colonial Williamsburg colors as prescribed by the SWCA Board of Directors.

21. Swimming pools are approved on an individual basis. A six (6) foot privacy fence is required. Those homes on corner lots which are under city code restrictions limiting fence height will be considered on a case by case basis. They are to be behind a six (6) foot privacy fence or covered and locked when not in use.

22. Hot tubs and Jacuzzi's will be considered on a case-by- case basis. They are to be behind a six (6) foot privacy fence or covered and locked when not in use.

23. Paints and stains will be colors in keeping with the Colonial theme of the neighborhood. Any colors that can be considered loud, flashy, gaudy, or offensive are strictly prohibited. Before changing any exterior color scheme (e.g. trim, shutters, garage doors, shutters, doors, siding) it must first be approved by the Board of Directors. Samples of acceptable colors, approved by the SWCA Board of Directors are on display at the SWCA office for inspection and comparison.

24. Construction/modification of any rear patios or decks requires the submission of a Request for Approval form to the DRC. Your request form should be submitted along with a drawing of your proposal and description of the materials to be used. Homeowners must be careful to avoid encroachment on adjacent properties, common properties, or easements. Overhead covers or enclosures for patios will be considered on a case by case basis.

25. When operating a small business from one's home, you may post a one foot square sign on the building only in keeping with city zoning rules. The operation of any business from any home/lot within Salem Woods is permitted so long as it is operated within the strict guidelines of any local city or county codes and other limitations and restrictions contained herein. Delivery trucks, privately owned in conjunction with this business or commercial delivery vehicles large or small, and potentially associated stocking or warehousing of commodities or products on a lot in plain sight of neighbors and the street(s) is strictly prohibited. This stipulation should not be applied to corporate vehicles routinely provided to their employees for transportation to and from their job location outside of Salem Woods. Associated customers to such a home business or office, by volume and demeanor should not indicate the presence of the office or business to the casual observer. The routine arrival and departure of clientele should be commensurate and respectful of neighbors and the quiet, residential environment that all residents of Salem Woods are entitled to and seek. The foregoing is not meant to restrict those individuals that in the natural course of their employment are authorized and/or encouraged to "bring their work home" or are employed in such a profession that it would be expedited that via fax machines, modems or other data transference methods they would do the same, individualized work alone, at home as they would in a corporate office. In essence, to operate within these guidelines, the business must remain nearly invisible to neighbors and the other residents of Salem Woods. A Request for Approval is not required. Violation of the foregoing Standard will cause any implied permission to operate a business from the home to be terminated until due cause can be shown to the SWCA Board of Directors as to why such permission should be reinstated. Subsequent permission to operate a business from one's residence rests with SWCA Board of Directors.

26. All homes/lots are to be used solely for purpose of single-family residence. For the purpose of these Standards the definitions of "single family" implies a single adult, a married couple, or a parent and the children legally attached to that parent. Custom dictates that in routine instances one or more grandparents of one of the parents may also reside with the nuclear family. Multigenerational and multi-lateral families with a variety of relations living in one house on one lot is not in keeping with the "single family" definition or the design standards incorporated in the homes in Salem Woods. As such, homes occupied by residents in numbers larger than a single family, routinely show increased wear and tear than other homes and can be a detriment to the aesthetics of the surrounding neighborhood.

27. The SWCA reserves unto itself the right to assign, alter, release or waive the requirements of any of the covenants, restrictions, conditions and reservations contained herein by an appropriate written instrument executed solely by the SWCA Board of Directors (without notice to, or the requirements of the joiner in the executions thereof by, any owner of any said lots).

28. Should any person(s) claiming by or under the SWCA violate or attempt to violate any of said covenants, restrictions, conditions or reservations, the SWCA or any other person or persons owning any of said lots may prosecute, by any proceedings at law or in equity, against the person or persons violating or attempting to violate any such covenant, restriction, condition or reservation, either to prevent him or them from so doing or to recover damages or other dues for such violation.

29. Invalidation of any of these covenants, restrictions, conditions, or reservations, by judgment or court order, shall in no way affect any of the other provisions which shall remain in full force and effect.