

Southern Village Homeowners Association, Inc.

# **Architectural Review Process & Guidelines**

Effective December 14, 2006

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## DEFINITIONS

This document uses three defined terms that are important to understand:

**Board:** The Board of Directors of Southern Village Homeowners Association. This is the five-member body we elect to run our association's affairs.

**ARB:** The Architectural Revue Board. This is the authority appointed by the Board to review and approve architectural changes planned by association members.

**Community Manager:** The Board's agent responsible for certain administrative elements of the association's affairs, including the architectural review process. Currently, the Board contracts the community manager role to Berkeley Property Management, LLC, a management company based in Southern Village, Chapel Hill, NC.

## INTRODUCTION

### Architectural Review Overview

Architectural review and approval is conducted to maintain the character and aesthetic harmony of Southern Village. This document aims to make our community's architectural control covenants more accessible and to help you plan your property improvement projects.

All homeowners are encouraged to bring their desires forward with the expectation that their requests will be considered. Please plan to interact directly with the ARB if your request is at all unusual. The Board has empowered the ARB - whose volunteer members it appoints - to assess each request in conjunction with the appropriate guidelines, and to make suggestions to encourage and assist members in maintaining and improving their properties.

The architectural review process applies to all detached homes and most town homes in Southern Village. Homeowners must also comply with the requirements of Chapel Hill regarding building permits, right of way considerations, building inspections, and so on<sup>1</sup>.

### Architectural Review Principles

One of the most important provisions underlying the Southern Village planned-community is the requirement for architectural review. It can also become one of the most sensitive issues within the community: there is a fine line between the maintenance of aesthetic harmony and the imposition of personal taste. The ARB recognizes the potential for conflict and will at all times look at a project with an objective eye on the bigger picture. The ARB endeavors to be fair, reasonable and uniform, using its best efforts to balance the equities between matters of taste and design, and the use of private property.

The architectural review process is intended to be clear and accessible to homeowners. ARB meetings to consider approval requests are held on the third Tuesday of each month. Homeowners are welcome to attend during discussion of their submission.

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1. City form "Single Family Zoning Compliance Permit Application" (Form ZCP) may be found on the city website. Chapel Hill presently requires that the applicant submit this form for certain projects.

The overarching philosophy of the architectural review process is to maintain the neighborhood character that makes Southern Village a desirable community. This involves:

- Assuring that additions and new structures are properly designed and proportioned, and built of suitable materials,
- Assuring the proper siting and maintaining correct setbacks from lot lines.

An important feature of the architectural review process is soliciting input from neighboring owners who have a view of the property. The architectural review process requires obtaining the signatures of up to four close neighbors who have an unobstructed view of the improvement from their own windows (excluding garage windows). The neighbors whose signatures are required are asked to check whether they “support” the project or “have reservations” about it. Any neighbor with reservations is encouraged to submit an explanation of their concerns for consideration, or if they desire, to attend the appropriate ARB meeting.

Resubmissions of modified requests (including appeals) are treated like new requests, requiring a new set of signatures to assure neighbors are apprised of the latest proposal.

It is essential that every homeowner participate in the architectural review process. If you have not been approached to sign a form and notice a neighbor making changes that appear to need approval, you are invited to have a chat with them or call the Community Manager, who will contact the person involved and ensure they participate in the process as appropriate.

The content of our architectural review guidelines has changed several times over the years. The scope and authority of the architectural review body has also changed. Despite these changes, our principle is that no subsequent change of guideline or architectural review authority will invalidate any project approved by a predecessor authority.

### **Projects requiring Architectural Approval**

The following types of projects need approval by the ARB, and guidelines for each of them are presented later in this document:

- Additions or alterations to structures, if visible from the exterior of the structure.
- Installations of Decks, Fences, Patios, Porch screening or Walls.
- Repainting a structure in a different color, if it is not on the palette.
- Installation of roof mounted devices.
- Landscaping that involves
  - changes in lot elevations,
  - plants that may block a street view, making safety a concern, or
  - addition of shrubs or trees that constitute a natural fence.
- Addition of sheds or other accessory buildings.

If your project is not on the above list, it does not require ARB approval.

## **ADMINISTRATIVE PROCEDURES FOR ARCHITECTURAL APPROVAL**

### **Standard Approval Process**

Administration of the architectural review process involves the Community Manager and the ARB. Contact information may be found at <http://www.southernvillage.org/contacts/>.

The Community Manager accepts all architectural review applications, screens them for completeness and verifies that a sufficient set of signatures is included using a neighborhood map and the illustrations included in the application. Applications lacking signatures or sufficient documentation of the proposed improvements will be returned to the applicant promptly and will not be considered until amended.

Any complete application received by the Community Manager at least five (5) business days prior to a scheduled architectural review meeting will be considered in that meeting. The Community Manager will mail the outcome of all applications to applicants within five (5) business days after the meeting.

Any disapproved application will include an explanation of the reasons for disapproval. Applications that combine multiple items may have some items approved and others disapproved. Approvals may be subject to specific conditions clearly stated in the response to the applicant. All responses will detail any information necessary to easily understand what has been approved and why any items are not considered acceptable.

Applicants are welcome to work with the ARB to submit a modified or new application that they will be able to approve. This interaction is easily accomplished by attending the meeting where your application is being considered.

Disapproved applications may be appealed to the ARB, who will involve the Board, if requested, when an acceptable solution cannot be found by working with the committee. The Community Manager is the best point of contact to discuss any issues related to architectural review applications.

### **Information that needs to be submitted to the ARB**

1. A completed Project Submission Form, (see page 12) including a narrative description of the proposed changes or additions.
2. When appropriate, a plot plan ‘top-down-view’ (usually a copy of the survey document that should have been provided at closing) of the entire lot marked up to illustrate the location on the property of existing structures and the proposed changes or additions and clearly showing all related property lines. Individual neighborhood covenants usually specify setback requirements from each property line. The location of any changes in drainage should be illustrated along with an indication of how the flow of water will change from what exists today.
3. When appropriate, elevation ‘side-view’ drawings, sketches, illustrations, or representative pictures of any proposed structures that clearly illustrate what the appearance of the structure will be when completed and includes overall dimensions.
4. Descriptions of materials to be used together with color samples and physical samples if different from what exists. Color pictures illustrating changes and pictures of proposed

items are very helpful.

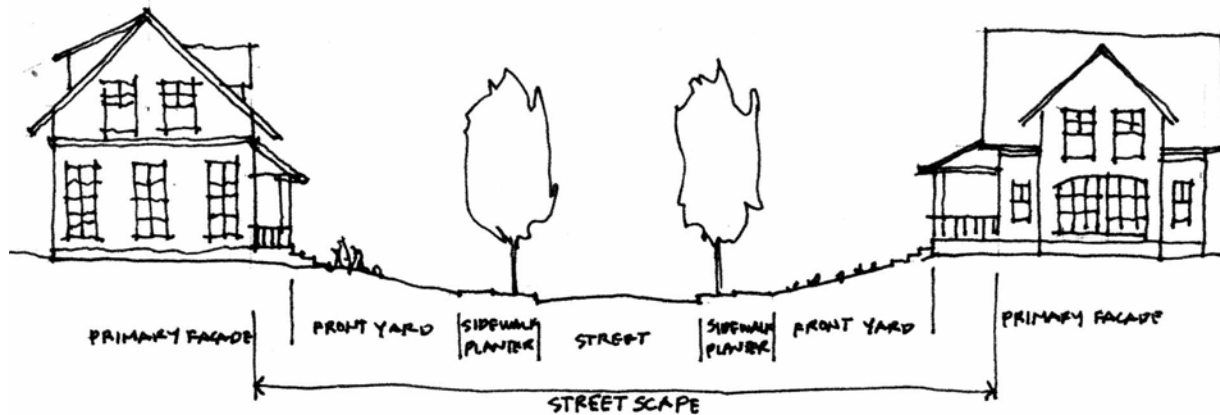
5. When appropriate, descriptions of the types and sizes of plant materials for landscaping changes that create a visual screen or barrier.

### **Legal document references**

Each individual neighborhood within Southern Village has its own set of somewhat unique covenants and to quote them in detail in this document is impractical. The Appendix lists the 36 Southern Village documents that collectively specify the detailed architectural control requirements. The documents relevant to your home are typically included in the package from the closing attorney when you purchase property in Southern Village. Also, copies of all these documents may be downloaded from <http://www.southernvillage.org/hoa/>.

## GUIDELINES FOR SPECIFIC TYPES OF ARCHITECTURAL CHANGE

The following guidelines all revolve around the general consideration of maintaining the “streetscape”, defined as the pattern of development along a contiguous street from the front facade of a home on one side of the street to the front facade of a home on the opposite side, as shown here:



### Additions and Alterations

All building additions and visible external alterations, such as porches, first-story extensions or third-story additions, require ARB approval. When reviewing a request for approval of a proposed project, the ARB will consider the following factors:

- **Design.** The design of the proposed addition or alteration should harmonize with the existing Southern Village streetscape, and should be compatible in architectural character, scale (mass and bulk), material, and color with the original home and surrounding homes.
- **Setbacks.** Additions and alterations must comply with the Southern Village covenants for the specific neighborhood.

### Decks

The addition of any deck requires ARB approval. When reviewing an approval request for a deck the ARB will consider the following factors:

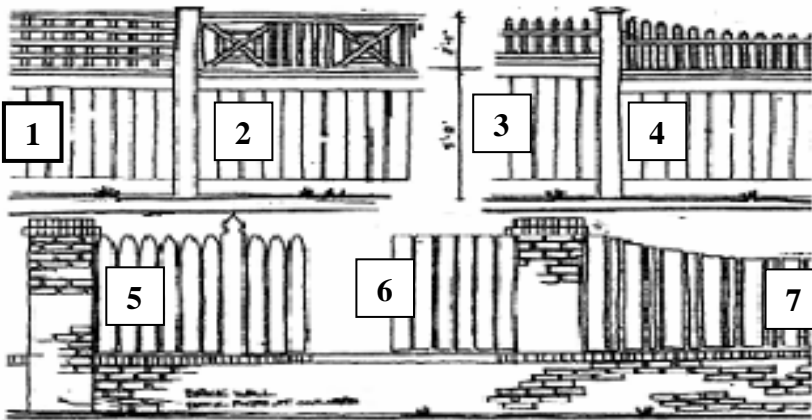
- **Location.** The proposed deck should be to the side or rear of the home.
- **Design.** The design of the deck should harmonize with that of the home and its immediate neighborhood in terms of scale (mass and bulk), material and finish.
- **Setbacks.** The installation must comply with all Southern Village setback requirements.

**Fences**

All fence installations require ARB approval. Southern Village has two types of fences: privacy and decorative. Privacy fences are generally located along the rear and sides of a lot. Decorative fences are typically located along the street and/or alley facing the front or side elevation of the house.

The fifteen fence styles shown here have often been used in Southern Village:

**Seven examples of 6' Privacy Fences.** All have 4' solid wood pickets with 2' caps, or a 2' brick footer supporting 4' solid wood pickets.

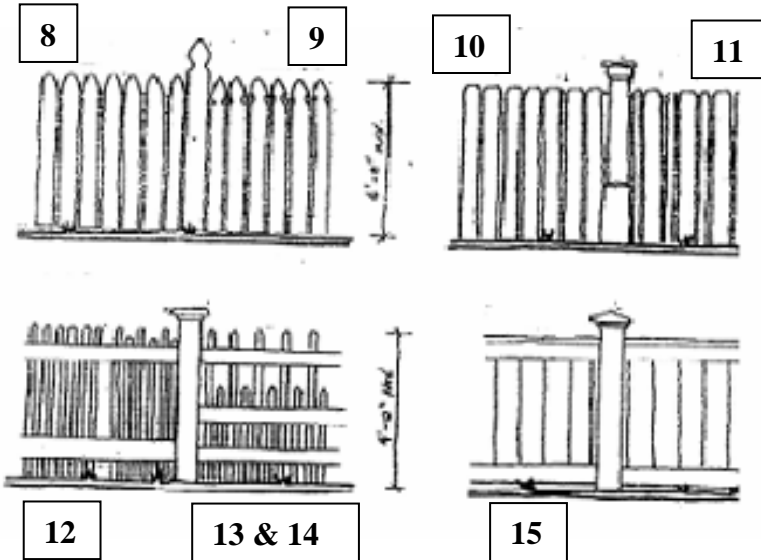


**Styles 1-4** are 1x4 board on board with 2' non-solid caps and 6x6 Posts. Slats may be 1x6 if desired

**Styles 5-7** have 1x4 pickets and are built atop a 2' high brick retaining or decorative wall. **Style 7** has alternating 1x4s and 1x2s

**Style 7** may have a convex curve, be board on board, but total height (ground to top of curve) should not exceed 5 feet

**Eight examples of 4' decorative fences** with separated or board on board pickets.



**Style 8:** 1x4 Pickets with Gothic Cap. 6x6 Posts

**Style 9:** 1x4 Pickets with French Gothic Cap. 6x6 Posts

**Style 10:** 1x4 Pickets / Dog-Ear Caps. Enlarged Cap and Base

**Style 11:** 1x2/1x4 Pickets, 4x 4 post, with Enlarged Cap and Base

**Style 12:** 2x2 Pickets, Even Heights, 6x6 Posts with Enlarged Cap

**Styles 13 & 14:** 2x2 Pickets, Alternating Heights, 6x6 Posts with Enlarged Cap

**Style 15:** 1x6 Board on Board with 2x4 Cap and Base. 6x6 Post

When reviewing an application for approval of a fence installation the ARB will consider the following factors:

- **Style and height.** Decorative fences are usually 2.5 to 3.5 feet high; privacy fences are up to 6 feet high. A board-on-board, solid wood privacy fence should not be more than 4 feet high, to avoid a “stockade-like” appearance.
- **Setback.** The fence should be clear of lot lines and easements, with sufficient room for sprinklers and landscaping. **Front** decorative fences should be at least 2 feet off the sidewalk. **Side** privacy fences should run 1 foot inside to avoid any encroachment on neighboring property. **Rear** privacy fences for homes on alleys should be a minimum of 4 feet off the alley<sup>2</sup>. Privacy fences for homes not on alleys may run along the rear property line.
- **Material.** The proposed fence material should blend with the home and with its immediate surroundings. The standard fencing material in Southern Village is pressure-treated wood or wrought iron. Vinyl-coated chain link fencing that is black or forest green has been used along the RCD “green belt” areas. PVC plastic has been used rarely, for short runs in line-of-sight obscured locations.
- **Landscape Coverage.** Landscape coverage on the outside of fences that face a street or an alley is encouraged.
- **Finish.** The proposed fence finish should maintain the streetscape and be harmonious with its immediate surroundings. Accordingly, fences abutting a street or an alley must be painted white. Fences abutting an RCD have generally been painted white, or the color of the house trim. If set back sufficiently from the street and adjacent houses, some such fences have been left natural color. If painted, fences must be painted on both sides of the pickets. All fences must be treated after a sufficient curing time of 3-6 months.

## Landscaping

The only landscaping projects which require ARB review are those that:

- **Change lot elevations.** The concern is the impact of drainage on neighboring lots.
- **Create an unsafe condition.** The concern is that added plants that may block a street or alley view, creating a safety concern.
- **Alter views** and cause encroachment. The concern here is groups of shrubs or trees that constitute a natural fence and may negatively affect views or encroach on neighboring lots.

When reviewing a landscaping approval request the ARB will consider the following factors:

- **Drainage plan.** A project involving changed lot elevations should include an adequate drainage plan. Generally, the project should not divert ground water or runoff onto neighboring lots.

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2. The homeowner is responsible for identifying if utility right-of-way or other easements exist. Fencing built over any utility right-of-way or easement may be subject to removal, at lot owner’s expense, by the owner of the easement, if repair of underground utilities is required.

- **Plant size at maturity.** Required for projects on the corner of a street or alley, where large vegetation will impede drivers' and pedestrians' view, and for projects which constitute a natural fence.
- **Grass** must remain in the strip between the street and sidewalk of homes.

## Painting

Basic maintenance of most Southern Village homes includes periodic exterior repainting. In our environment of similarly designed homes in relatively close proximity to each other the creative use of color is an important way to add visual variety to our streetscapes.

- **Painting the same color.** ARB approval is not required, but we ask that you submit a completed approval form for the records.
- **Painting from the palette.** There is an approved palette consisting of the colors in Sherwin-Williams' Exterior Color Preservation Palette collection. The four components of this palette are called Arts and Crafts, Classical/Colonial, Suburban Modern and Victorian<sup>3</sup>. ARB approval to paint using these colors is not required, but we ask that you submit a completed approval form for the records. (Note: You don't have to use Sherwin-Williams paint. You can have your selected color from these palettes custom mixed by the paint vendor of your choice.)
- **Using another color.** ARB approval is required.

## Patios

The addition of any patio requires ARB approval. When reviewing an approval request the ARB will consider the following factors:

- **Location.** The patio should be built off the side or rear of the home.
- **Design.** The proposed patio should be compatible in architectural character, scale (mass and bulk) and material with the original home and its surroundings.
- **Setbacks.** The installation must comply with the Southern Village covenants for the specific neighborhood.

## Porch Screening

Screening of an existing porch requires ARB approval. When reviewing an approval request the ARB will consider the following factors:

- **Front Porches.** To maintain the streetscape, first floor front porches may not be screened forward of the front elevation of the house. Second floor front porches may be screened.
- **Side and Rear Porches.** May be screened.
- **Material and Finish.** Materials and finish should be similar to the existing house to create the impression that the porch was part of the original structure.

## Sheds and other Accessory Buildings

All installations of detached structures such as storage sheds require ARB approval.

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<sup>3</sup> You can download the palette from <http://www.southernvillage.org/arb/>.

When reviewing an approval request the ARB will consider the following factors:

- **Style.** The design and construction should blend with the existing home and its immediate surroundings.
- **Location.** The shed should be located at the rear of the home, not visible from the street, and not creating an impression of clutter on the property.
- **Setbacks.** The installation must comply with the Southern Village covenants for the specific neighborhood.
- **Material and Finish.** Materials and finish should harmonize with the existing home.

### Roof-Mounted Items

The installation of roof-mounted devices (skylights, roof vents, attic fans, antenna and solar collectors) should be accomplished so that they do not compromise the character of the streetscape. When reviewing an approval request for a roof-mounted item the ARB will consider the following factors:

- **Skylights, Roof Vents, Attic Fans, Antenna.** These items should be installed on the side or rear-facing roof elevations only.
- **Solar Collectors.** These units should be installed on side or rear-facing roof elevations only, flat to the roof to minimize visibility from neighbors.
- **Satellite Dishes.** Anyone may install a satellite dish less than 1 meter in diameter without ARB approval. However we ask that you be as considerate as possible of neighbors and select as inconspicuous a spot as you can.

### Walls

All wall installations require ARB approval, with the exception of those less than 10” tall for elevated garden beds. Two different wall types exist in Southern Village: retaining walls and decorative walls. When reviewing an application for approval of a wall installation the ARB will consider the following factors:

- **Height.** The appropriate height of a retaining wall is determined by lot elevations and drainage considerations. Decorative walls are generally 1.5 to 2 feet high.
- **Drainage.** The design should include an adequate drainage plan. A wall of any size will collect water unless precautions are taken to divert ground water or runoff from collecting at its base.
- **Setback.** The proposed wall should be located clear of lot lines and easements, with sufficient room for landscaping. **Front:** decorative walls should be at least 2 feet off the sidewalk. Retaining walls may abut the sidewalk. **Side:** decorative walls should run 1 foot inside to avoid any encroachment on neighboring property. **Rear:** decorative and

- retaining walls for homes on alleys should be a minimum of 4 feet off the alley<sup>4</sup>. Walls for homes not on alleys may run along the property line on the rear of the lot.
- **Material:** The material for the proposed wall should blend with home and its surroundings. Most walls in Southern Village use brick, stone or cultured stone. Pressure-treated timbers and concrete-based products have been used only rarely, for smaller walls.
- **Landscaping coverage.** Landscape coverage on the outside of walls is encouraged. Walls that are set back from an alley or street should have landscaping on the outside.

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<sup>4</sup> A wall built over any utility right-of-way or easement may be subject to removal, at lot owner's expense, by the owner of the easement if repair of underground utilities is required.

## APPLICATION FOR ARCHITECTURAL APPROVAL

<b>Property Owner's Name:</b>					
<b>Property Address:</b>					
<b>Telephone:</b>		<b>Home:</b>		<b>Work:</b>	
<b>E-mail:</b>					
<b>Estimated Completion Date:</b>					
<b>Contractors Name and Telephone (if applicable):</b>					
<b>Reason for the Change or Addition:</b>					
<b>Project Type:</b>					
<b>Addition</b>	<b>Deck/Patio</b>	<b>Fence</b>	<b>Landscaping</b>	<b>Painting</b>	<b>Other</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Project Description:</b> Please describe <b>briefly</b> the proposed change or addition. Cite materials to be used and proposed color(s). Describe similarities to existing structures, if applicable. Use a separate sheet of paper if necessary. Please attach clear, legible drawings. If you need help, please write to <a href="mailto:manager@southernvillage.org">manager@southernvillage.org</a> .					

<b>Neighbor Signatures:</b>					
We/I acknowledge that the requesting property owner has shown us/me the Architectural request plan for the proposed improvement(s) described on this form. We/I understand that we/I may make verbal or written comments directly to the ARB.					
Date	Printed Name	Support	Have reservations	Signature	Address

Send completed form to:

SVHOA ARB, c/o Berkeley Property Management, 300 Market Street, Suite 130 #21, Chapel Hill, NC 27516

<b>ARB Approval</b> <input type="checkbox"/> <b>Conditional Approval</b> <input type="checkbox"/> <b>Disapproval</b> <input type="checkbox"/>
<b>ARB Comments:</b>
<b>Signed:</b> (ARB Chairperson): _____ <span style="float: right;"><b>Date:</b> _____</span>

## Appendix

### LEGAL DOCUMENT REFERENCES

This appendix lists Southern Village legal documents that seem to pertain to architectural control, giving the document name and its deed book reference within the Orange County Registry, if applicable.

#### Master Association

1. By-Laws of the Southern Village Master Association, Inc.
2. Master Declaration of Covenants, Conditions and Restrictions of Southern Village, dated July 21, 1994. Book 1271 page 165.
3. Amendment to Master Declaration of Covenants, Conditions and Restrictions of Southern Village, dated January 27, 2004. Book RB3494, page 459.

#### SVHOA

##### Arlen Park

4. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phases 1A, 1D and 1F, dated July 21, 1994. Book 1271 page 227.
5. Supplementary Declaration of Covenants, Conditions and Restrictions: Lots 71-75, Arlen Park at Southern Village, June 23, 1995. Book 1363 page 68.
6. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phases 1B and 1C, Lots 76-92, dated October 12, 1994. Book 1295 page 573, corrected December 13, 1994 in Deed Book 1310, Page 586.
7. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phase 2, dated August 23, 1995. Book 1385 page 519
8. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phase 3A, dated April 24, 1996. Book 1463 page 468.
9. Amendment to Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phase 3A, dated October 9, 2003. Book 3291 page 100.
10. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phase 3B, dated June 3, 1996. Book 1473 page 297.
11. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phase 4, dated October 28, 1996. Book 1529 page 139.
12. Supplementary Declaration of Covenants, Conditions and Restrictions: Arlen Park at Southern Village, Phase 4 (Lots 192-200), dated June 23, 1997. Book 1617 page 546.

##### Brookgreen

13. Supplementary Declaration of Covenants, Conditions and Restrictions: Brookgreen at Southern Village, Phase 5A, dated September 23, 1997. Book 1643 page 10.
14. Supplementary Declaration of Covenants, Conditions and Restrictions: Brookgreen at Southern Village, Phase 5B, dated September 23, 1997. Book 1643 page 1.
15. Supplementary Declaration of Covenants, Conditions and Restrictions: Brookgreen at Southern Village, Phase 5C, dated December 10, 1997. Book 1663 page 525.

##### Greenview

16. Supplementary Declaration of Covenants, Conditions and Restrictions: Village Core Phase 2 at Southern Village, dated July 1, 1996. Book 1486 page 472.
17. Supplementary Declaration of Covenants, Conditions and Restrictions: Greenview at Southern Village, Phase 2, Book 1819 page 388.

##### Graylyn

18. Supplementary Declaration of Covenants, Conditions and Restrictions: Graylyn at Southern Village, dated July 1, 1998. Book 1758 page 452.
19. Supplementary Declaration of Covenants, Conditions and Restrictions: Graylyn 2 at Southern Village, dated December 7, 1998. Book 1839 page 257.

##### Highgrove

20. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 1A, dated October 6, 1998. Book 1750 page 71.
21. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 1B, dated August 24, 1998. Book 1786 page 295.
22. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village,

- Phase 1C, dated October 11, 1998. Book 1825 page 350.
23. Corrected Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 2, dated December 29, 1998. Book 1865 page 142.
24. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove Townhomes at Southern Village, Phase 2, Lots 401-448. Book 1850 page 383, corrected in Book 1865, Page 142; and Deed Book 1992, Page 374.
25. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 2B [Lots449-466], dated December 29, 1998. Book 83 page 113.
26. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 2 [Lots 467-484], dated December 29, 1998. Book 1850 page 383. Corrected December 29, 1998. Book 1865 page 142.
27. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove Townhomes at Southern Village, Phase 2, Lots 539-560. Book 1850 page 383, corrected in Deed Book 1865, Page 142; and Deed Book 1946, Page 411.
28. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 3A, dated July 15, 1999. Book 1970 page 64.
29. Amended Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phases 1A, 1B, 1C, 2, 2b & 3A, dated MArch 9, 2000. Book 2054 page 299.
30. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 3B, dated MArch 16, 2000. Book 2062 page 278.
31. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 3C, dated May 18, 2000. Book 2126 page 70.
32. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 4A, dated October 9, 2000. Book 2147 page 420.
33. Supplementary Declaration of Covenants, Conditions and Restrictions: Highgrove at Southern Village, Phase 4B, dated January 15, 2001. Book 2200 page 61.
- Glenhaven
34. Supplementary Declaration of Covenants, Conditions and Restrictions: Glenhaven at Southern Village, Phase 1, dated January 25, 2001. Book 2200 page 1.
35. Supplementary Declaration of Covenants, Conditions and Restrictions: Glenhaven at Southern Village, Phase 2, dated September 28, 2001. Book 2446 page 505.
36. Joint Driveway Declaration: Lots 806, 807 & 901 Southern Village, dated August 13, 2001. Book 2345 page 509.