



**DESIGN GUIDELINES**  
AND DESIGN REVIEW PROCESS FOR  
NEW BUILDS, ADDITIONS AND EXTERIOR RENOVATIONS  
IN THE FERNBANK SUBDIVISION AT CRESS CREEK  
REVISED OCTOBER  
2023

THIS DOCUMENT IS AN UPDATE TO THE ORIGINAL  
DESIGN GUIDELINES INCLUDING

SECOND ADDENDUM TO THE DESIGN GUIDELINES  
EFFECTIVE JULY 1, 2015

AND

SOLAR ENERGY SYSTEMS GUIDELINES  
PASSED BY THE FERNBANK EXECUTIVE BOARD  
MARCH 15, 2012

**DESIGN GUIDELINES**  
AND DESIGN REVIEW PROCESS  
FOR  
THE FERNBANK SUBDIVISION AT  
**CRESS CREEK**  
A RESIDENTIAL - GOLF COURSE COMMUNITY

**DESIGN GUIDELINES**

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## **I. INTENT OF THE DESIGN GUIDELINES**

The Fernbank Subdivision at Cress Creek is a community where diverse interests intermingle. Without controls, the potential for the unpredictable efforts of one owner to devalue those of another is increased. Therefore, these Design Guidelines, pertaining to all site and building development including renovations, have been adopted to provide a basis for consistency of development, while respecting the natural setting and allowing creative expression within individual environments. The primary areas of concern addressed by these Guidelines are Site Development and Architectural Appearance, especially as these relate to harmonious relationships with the existing terrain and among neighboring structures.

In general, the goals are to minimize harsh contrasts in the landscape and architectural context, to conserve pleasing and significant natural systems, and to encourage unassuming architecture appropriate to this unique environment. Any type of new construction proposed for Fernbank property is subject to review under these Guidelines, including but not limited to the following elements:

1. Any grading and/or disturbance of vegetation
2. Drainage alterations
3. Utility construction
4. Construction of new housing
5. New construction of site features (e.g., driveways, walkways, retaining walls, pools, greenhouses, fences, and patios).
6. Additions to/or renovations of existing homes which alter the exterior appearance including landscaping. Replacement of trees/shrubs in already existing landscaping does not require review as long as it does not negatively affect neighbors. See plant list for suggested replacement plants.

The process for establishing the Architectural Review Committee (ARC) and defining the specific duties and powers conferred on it is defined in ARTICLE XXIV of the Public Offering Statement for the Subdivisions at Cress Creek.

The ARC reserves the right to revise these Guidelines as changing conditions and priorities dictate, in order to maintain maximum real and aesthetic benefits to all Fernbank properties.

These Design Guidelines shall apply to Fernbank properties within the Subdivisions at Cress Creek and are subject to the criteria established in the current Federal, State, and County regulations, as well as all zoning and subdivision regulations and building codes (International Residential Code 2000 or the latest adopted edition), whichever criteria are most restrictive.

It is strongly recommended that all persons proposing any construction subject to review under these Design Guidelines seek the assistance of a qualified design

professional with skills appropriate to the task at hand, such as an architect, landscape design, civil engineer, surveyor, etc.

## II. DESIGN REVIEW PROCESS

### A. General Procedures and Requirements for the Unit Owner and Builder

1. All construction that is to be undertaken within the Fernbank Subdivision at Cress Creek is subject to review under these Design Guidelines.
2. Prior to preparing a submittal, the Applicant (unit owner or agent) must review a copy of these Design Guidelines and the respective Covenants, Conditions, and Restrictions for the Fernbank Subdivision at Cress Creek.
3. The ARC will endeavor to set a time and date within two weeks after all submitted documents are deemed complete by the ARC Committee or their consultants.

### B. Application/Submittal Fee Information

- 1. The purpose of the fees is to defray the administrative and professional services incurred by the ARC during the comprehensive design review process. The applicant shall attach a check payable to Fernbank Unit Owners Association, Inc. (FUOA).**

### 2. Submittal Fee Structure

#### a. Fees for New Construction

Concept Review	\$200.00
Preliminary Plan Review to Final Review	\$600.00
Required Additional Meetings	\$200.00
Construction Deposit (Refundable)	\$1000.00

b. Construction projects requiring specialized professionals (e.g. engineers) are the responsibility of the applicant.

c. Soft Scape Modifications - No fees required but plans must be reviewed by ARC. Examples of soft scape modifications include: change of exterior paint color, removal of trees, and addition of gardens and other landscape plantings.

#### d. Hardscape Modifications

1. No fee will be charged for the replacement of roof materials or the installation of step railings, awnings and generators. Prior ARC

approval is required and submissions should include the design, color, size and manufacturer and in the case of generators, plans for proposed screening.

2. Fees may be charged for additions and/or major external renovations to already existing residences at the discretion of the ARC Committee. This may include new rooms, decks, fences, patios or other structures.

Project Cost Estimate	Review Fee
\$0 - \$5,000.00	\$100.00
\$5,000.00 - \$ 10,000.00	\$200.00
\$10,000.00 - \$25,000.00	\$300.00
Over \$25,000.00	\$500.00

e. Should the process take more than 2 meetings, there will be a charge of \$200 for each additional meeting.

**III. CONCEPT REVIEW - STEP 1**

A. General Procedures for the first step in planning to build a new home. Prior to the Concept Review the applicant shall:

- 1. Review Design Guidelines
- 2. Review Covenants, Conditions and Restrictions.
- 3. Sign and submit the Concept Review Application from (**Page 21** ), with a statement of the total square footage under roof with concept sketch drawings.
- 4. Post a visible, readable sign at the street side of their Lot which advertises the date and location of their scheduled ARC Meeting. The sign must include the Lot #, Date and Location of the meeting. **The sign must be posted for no less than five days prior to the date of the review meeting. Failure to post will require postponement of the review meeting for the Applicant. This requirement is for any review that requires a fee (New Construction or Hardscape Modifications). In addition the ARC will issue a community email blast with the date and time of the meeting.**

B. ARC Concept Review Meeting

- 1. The Applicant and their consultant(s) should present a description of the design and should respond to questions about the construction program by the ARC and its professional consultant(s). A verbal and graphic description on the construction program would include a building design concept(s) and approximate site location(s), and means of access.

2. A Conceptual Site Plan should be submitted to the ARC showing approximate building location including setbacks, approximate driveway, any trees which will need to be removed, and accompanied by an artistic sketch of the front elevation of the building. Permission may be given to remove trees to facilitate a formal survey of the property at this time.

3. The ARC should make any comments deemed pertinent to the construction program during this meeting, after which the applicant or their agent may proceed to develop more detailed plans.

**4. A Point of Contact (POC) will be assigned to the applicant from the ARC Committee. The POC will answer questions and assist the applicant with their required submittals.**

#### **IV. PRELIMINARY PLAN REVIEW - STEP 2**

##### A. General Procedures and Requirements for the Applicant

The Applicant and their builder or architect should develop, following the Concept Review, a more detailed building and site plan. These plans should incorporate recommendations **from the Concept Review meeting** by the ARC and any other information in order for the ARC to accurately assess impacts on the site and adjacent properties. [Plans should give an exact indication of building location(s), design/mass, and materials, access, grading, limits of disturbance, and planting concept.]

##### B. ARC Preliminary Plan Review Meeting

1. Once the applicant has provided all of the specific information listed below the ARC Committee will schedule a review meeting, ensuring that any design consultants have a minimum of 10 days to review.

2. A Site Plan Visit will take place prior to the ARC meeting by applicant/builder/architect or design consultant along with an ARC representative.

3. The review meeting will focus on scale and massing of the building and location of the building on the site. **Maintenance of natural site features should be protected as much as possible and impacts to adjoining properties need to be considered and addressed.** It may also include a review of architectural details, but does not preclude additional detailed comments to be addressed in the final plan review.

##### C. Specific Preliminary Plan Review Requirements

The applicant starts the preliminary plan review process with the submission of the following required information.

## 1. Detailed Site Analysis

- Existing topography, with a minimum 2' interval and extending to neighboring required setbacks with indications of significant drain ways
- Survey and legal description of property boundaries, building restriction lines, setbacks and any easements, provided by a licensed surveyor
- Precise locations of all trees with 4" or greater caliper, and rock outcrops
- Existing locations of all utilities required to service the property
- Location of all adjacent roads
- Indication of north arrow and scale
- Name, address and phone number of legal owner(s), surveyor, and architect.

## 2. Landscape and Grading Plan

The Applicant must submit a Landscape Development Plan for approval that includes the following:

- Precise building location(s)
- Precise driveway and parking locations including walkways, patios/decks, stairways and retaining walls
- Proposed grading and drainage, including any necessary structures, culverts (15" minimum round or oval), retention areas
- Routing of any required utilities including locations of any above grade enclosures (switching boxes, transformers, bottled gas, HVAC units, etc.) and the landscaping screening thereof
- Location of any exterior enclosures required for trash removal.
- Finish grading plan with 2' interval contour lines to foundation, expanded detail

**The plan should include which trees larger than 4" caliper need to be removed. It should include anticipated site disturbance and the measures to minimize it. The goal is to mitigate erosion and drainage concerns. Use of approved property stabilization measures (e.g., silt socks, permeable geo-textiles) and other approved techniques need to be addressed. More detailed plans will continue to be needed as site work and construction allow. A final landscape plan will be required once construction is approved and has proceeded to the point of final grading of the property.**

## 3. Preliminary building plans, including at least the following:

- Floor plans, at 1/8" = 1'0"
- Roof plans, at 1/8" = 1'0"
- Elevations of all sides of proposed construction at 1/8" = 1'0"
- Color plan for external materials
- All are required by Jefferson County to obtain a building permit

- The applicant should provide 1 set of plans to the ARC at the Preliminary Plan Review.

## V. FINAL PLAN REVIEW - CONSTRUCTION DOCUMENTATION REVIEW - STEP 3

### A. General Procedures and Requirements for the Applicant

Following approval of the Preliminary Plan, detailed design may resume, incorporating recommendations of the ARC and any other minor design changes suggested by the Applicant and/or architect. At this point, the level of detail shall be such that after submittal and approval, construction could begin.

### B. ARC Final Plan Review Meeting

1. Applicant shall meet with an ARC representative on site to review field stake out and final plan specifications. The property must show an accurate field stake of property boundaries and corners, setback, and/or centerlines of all improvements, extending to neighboring properties, giving horizontal and vertical dimensions where appropriate.
2. **Changes to plans requested by ARC and agreed to by the applicant at the Preliminary Plan Review must be shown in revised drawings or written statements. (Minor changes may be redlined on original drawing but major changes to roofs and elevations must be shown on revised drawings.) Any significant changes must also be submitted to Jefferson County.**
3. **A color board depicting all significant exterior materials, colors must be presented.**
4. Once the ARC has approved the Final Plan and Construction Documents and demonstrated compliance with these Design Guidelines, **the applicant, builder and an ARC representative sign the approval. The applicant obtains and posts a building permit on the property.** No construction may begin until the permit is issued.
5. It should be noted that approval by the ARC to begin construction is valid for only one year. Should a building permit not be applied for, the entire process may have to be repeated at the discretion of the ARC.
6. Construction period rules shall be reviewed with Applicant and Builder with attention to locations of trash disposal and portable toilet. **A comprehensive construction deposit of \$1000.00 will be required to cover any potential damage to roads/property during construction. This deposit fee minus any damage assessments is returned within 30 days of occupancy upon the applicant's request and the inspection by FUAO representatives.**

### C. Specific Final Plan Review Requirements

1. Resubmit Detailed Site Analysis **if changes have been made from the Preliminary submittal.** All of the site issues will be reviewed in detail for compliance with approved concept and preliminary reviews.



2. Resubmit refined floor plans, roof plans, elevations, sections, perspective sketches and optional models, **if changes have been made.**
3. Submit a Detailed Construction Schedule.
4. Elaborate upon planting plan **to include general location of foundation plants, planting beds and the type of vegetation to be used to stabilize up to 70% of exposed land. It is not required to have a complete landscape plan including specific plants drawn until final grading has been completed. Once final grading is complete the applicant will need to submit their final landscape plan for approval. The plan must be 1"=20' scale (or larger) and locate all proposed new and existing trees larger than 4" caliper (or tree lines), shrubs, vines and ground covers which will be incorporated.**
5. Final Design review approvals are valid for two years but may be renewed (no review, no fee) for a longer period depending on the circumstances.

## **VI. HARDSCAPE - EXTERIOR RENOVATIONS/ADDITIONS TO EXISTING PROPERTIES**

The purpose of this section is to establish a procedure for updating, renovating and renewing existing structures and landscape. It can be more difficult to change, alter and add to existing structures in a visually pleasing, functional and structurally sound manner, thus careful review is required. The ARC focus is to maintain the traditional character of our community while allowing for change. Similar to new construction, additions and exterior renovations are subject to current Federal, State, and County regulations, zoning regulations and building codes in effect. All work must be permitted and inspected.

1. Review Design Guidelines and Covenants - Hardscape additions must not exceed the ratio of building to property percentages and county setback requirements as described under Site development below.
2. Applicant or their representative should submit all materials as described in Concept Review - Step 1, Numbers 3 & 4. A photo should be submitted of the impacted areas of the existing house and/or original plans for the house.
3. The review process to change decking, patios, railings, color or landscape requires an ARC Committee review but fees will be addressed on a case by case basis.
4. Major additions/exterior renovations require a detailed site plan and elevations of the project. Fees will be charged based on the extent of the renovation. See Fee structure previously listed (page 5).

## **SITE DEVELOPMENT GUIDELINES**

### **INTRODUCTION**

Each Lot in the Fernbank Community has its own specific qualities and characteristics. The ARC will be looking critically at site plans to determine whether existing features are respected and sensitively utilized. A preference will be expressed for plans which minimize disturbance of existing vegetation, rock formations, and drainage patterns, while taking advantage of short and long views and maximizing solar exposure. Respect for adjacent development is also essential; coordination of elements such as building massing, sun/shade patterns, indoor/outdoor relationships, and access will help make for better neighbors.

### **SITE DEVELOPMENT**

In order to promote the consistent and sensitive construction of site improvements within the Fernbank neighborhood, the ARC has established a maximum for lot coverage of a single family detached lot of 15% of total usable square footage for the building footprint including decks. The maximum lot coverage allowed for duplex lots shall be 25% of the total usable square footage of both lots for the combined building footprint including decks. The above formula has been applied to the total usable square footage for each lot in the development.

### **GRADING**

All site improvements should be designed to minimize the extent of grading required. Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1, with 2:1 slopes permitted when excessive disturbance of ground would otherwise result. All graded slopes should be “rolled” back into existing slopes, so that, after revegetation, no sharp contrast exists between existing and disturbed slopes. All areas which are to be preserved (trees, shrubs, rock outcrops, etc.) shall be marked and easily visible throughout the construction period.

In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should also be minimal. Where disruption or realignment must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a nondestructive course. If culverts or structural channels are required, these should be detailed such that contrast with the existing environment is minimized. On most properties, the location and the volume of water that has historically entered and departed the site must be accepted.

### **EROSION CONTROL**

During all site disruptions, approved techniques for controlling erosion within the site and onto other sites shall be used. Methods include but are not limited to sedimentation basins, filtration materials such as silt socks, permeable geo-textiles, hay bales and slope stabilization fabrics. Proper revegetation should begin as quickly as possible after soil disruption and should be well established within one year after disturbance. **Consideration is given to planting time of year.**

## **DRIVEWAYS AND PARKING**

Driveways should intersect the road at approximately 90° for maximum visibility and should not exceed 8% in slope, except where use of short pitches up to 12% may lessen site impacts. Driveways may be constructed within 6 feet of the side setback limit for the purpose of accommodating a turnaround for side entry garage.

## **RETAINING WALLS**

Should any retaining walls be needed on the site, they should be as low as possible, and, if higher than 6 feet, should be terraced to minimize impact. Materials used should complement the natural surrounding, with use of stone, masonry and textured and/or colored concrete encouraged. Use of rock terracing as a landscape retaining wall is encouraged. Rock must be larger than rip rap size.

## **FENCES AND SCREENING**

The use of fences and screening for privacy in outdoor “living areas” shall be acceptable when such screens are complementary in design to the main structure. Continuous screens along property lines or in front of the house are discouraged. Any fences, trees or hedges to promote privacy will be reviewed and evaluated on a case by case basis.

## **LIGHTING**

All exterior illumination used for buildings, drives, walks, signs, and general landscape purposes shall be a “sharp cutoff” design, minimizing impacts on adjacent properties. Low voltage, low level landscape lighting is preferred.

## **STORAGE TANKS**

Storage tanks, 250 gallon or less, for use in connection with any residence may be above ground as long as they are screened from view. All larger tanks must be buried.

## **TRASH RECEPTACLES**

All trash receptacles must be stored out of sight. Screening may be used for storage of solid waste receptacles using materials and forms complementary to the main structure(s).

## **VIEWS AND VISTAS**

It is a primary goal of the landscape design to preserve existing views and vistas across open spaces and through wooded areas to the golf course and to other panorama views.

## **ARCHITECTURAL GUIDELINES FOR STYLES AND STRUCTURES**

### **INTRODUCTION**

The Communities of Cress Creek provide an excellent model for appropriate architectural styles and concepts. The goal is to employ details, forms and the scale of traditional local architecture

### **STYLES OF ARCHITECTURE**

Architectural styles are an integral component of the desired image for the Fernbank Community. Buildings in the Subdivision and the general Shepherdstown area draw from many styles. New homes need to be architecturally harmonious with existing traditional homes and of a basic design.

### **BUILDING MASS**

Traditional regional architecture typically has one predominate mass. Building heights are restricted to 2 1/2 stories maximum including walk-out basement on the golf course and 2 1/2 stories maximum not including walk-out basement on lots not bordering the golf course. However, a maximum height of 1 1/2 stories is encouraged on lots bordering the golf course. A building may not be rotated more than 30 degrees off parallel to the street.

### **FOUNDATION MATERIALS**

Exposed foundations should be brick, stone, concrete or cement parging or split faced concrete block. The use of "fake brick" form liners and fake stone for concrete foundations is prohibited. The use of exposed standard concrete block foundations is prohibited.

### **GARAGES**

The garage should not be unnecessarily predominant and must be attached to the main structure. Its scale and massing should not be in competition with the main house. The doors should have detailing that breaks up their large scale and is compatible with the house style. The garage door should not face the street or public right of way whenever possible.

### **ROOFS**

The form of the roof and materials used on it create a significant part of the visual impact of a building. Gable, hip and shed roofs will generally be acceptable. Traditional regional architecture has sloped roofs of 7:12 or greater (except for porches and shed dormers). Consistent use of the same slope and design should facilitate a balanced visual impression. Roofing materials must be consistent with modern construction standards and codes.

## **DORMERS**

All dormers should be carefully designed and positioned in scale with the house and roof, and in balance with other features of that elevation on the house. In general, the dormer should be placed away from the roof gable and pulled back from the cornice. The use of large shed dormers that extend the length of the roof is discouraged.

## **WINDOWS**

The window type, size and placement are to be wed to achieve a balanced and harmonious facade appropriate to a particular architectural style. Window types with large panes of glass including picture windows and glass sliding doors should be used in moderation and handled with design sensitivity. True divided lights are recommended for windows. If metal clad, vinyl clad, solid vinyl or fiberglass windows are used detailing of exterior casings and sills will be scrutinized to verify that it is as traditionally accurate as possible.

## **TRIMWORK AND CORNICES**

Typical exterior trim work includes corner boards, casings, rake boards and cornices. Considerable attention will be paid to the review of these elements to determine that size and proportion is appropriate to a particular style. The cornice is a primary architectural element that distinguishes a particular style from another. Particular care is required that the cornice be designed appropriately in scale, proportion and detail in relation with the entire building. Exterior window casings are a requirement. Trim should be detailed in a fashion appropriate to the style of architecture and the materials used on the facade. Synthetic materials and moldings may be used where detailing of exterior casings and sills are designed to be as traditionally accurate as possible.

## **EXTERIOR DOORWAYS**

A doorway is a critical feature of a dwelling's composition. Likeness in design and detailing is encouraged and monumental out of scale entrances are discouraged.

## **SHUTTERS**

Shutters on a facade must be in keeping with the style of the home. Operational or non-operational shutters should be designed so that they are sized to cover the entire window. Synthetic materials are acceptable when accurate to the style of architecture. A well proportioned window in a properly balanced facade does not need to have shutters to be complete.

## **CHIMNEYS**

Chimneys, especially in placement and size should be designed appropriately to the dwelling style. Excessive height of unsupported chimney is discouraged.

## **EXTERIOR COLORS**

In general, each home should be painted in accordance with its style. Walls should be colors of subdued hues to medium value intensity. Foundations and trim may be subtle variation or in contrast with the house color. Roofing Materials should complement the house colors. (An excellent reference for traditional colors is Benjamin Moore's Historical Color Collection). Complete exterior color schemes must be presented to the ARC for approval.

A Villa (duplex) is considered a single structure in terms of painting and roofing. Villa owners who want to change the color of their exteriors must agree on the same color and have it reviewed. Front doors of Villas may be different colors. Villa roofs must also be the same material and color.

## **EXTERIOR WALLS**

All houses should be clad in an appropriate architectural style. Wood shingles, wood clapboard, fiber cement siding, brick, stone and stucco have been used in the community. Aluminum and Vinyl siding are prohibited. New products on the market may be considered if a unit owner requests. Should this occur the ARC will give additional scrutiny to insure the materials used are architecturally accurate.

## **SKYLIGHTS**

Skylights are allowed when specifically designed and carefully integrated into the design. In general, the skylight should be flat and parallel with the roof. The skylight frame and flashing should be finished to match the roof. Skylights will be evaluated on a case by case basis.

## **SUMMARY**

As expressed earlier, the intent of these standards is to provide a basis for harmonious treatment of visible development within this unique environment, so that all who live here can expect to continue enjoying their surroundings. At the same time, the desire of individuals to develop a living space that contains some personal expression must be considered.

Accordingly, these Design Guidelines have been developed with a great deal of attention paid to goals and concepts and less attention to detail, except where such detail is considered essential. It will be the difficult duty of the ARC to interpret these goals and concepts in a consistent manner, always attempting to keep the best interests of the Fernbank Community in mind.

The Architectural Review Committee Meetings are generally open, but the ARC reserves the right to discuss and vote on the merits of issues deemed to be of special concern in closed session. Votes will not be recorded by individual board members.

## **REGULATIONS**

### **LEGAL BASIS**

Authority for design review is grounded in the governing document for the Subdivisions at Cress Creek community, the “Master Declaration of Covenants, Conditions, and Restrictions of Cress Creek.”

Under the terms of this document, the ARC, as defined in Article XXIV of the Declaration, hereby adopts these Design Guidelines as the basis for all design review. Should these Guidelines be revised, such revisions shall then take precedence over previous Guidelines.

The Declaration will govern should any discrepancies occur between these Guidelines and the Declaration.

### **CONSTRUCTION PERIOD REGULATIONS**

In the interest of all owners and contractors, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction contract document specifications for each residence, and all contractors and owners shall abide by these regulations. It is also required that the contractor be familiar with and abide by the applicable sections of the Declaration and the Guidelines.

#### **Blasting**

Any plans to blast shall be brought to the attention of the ARC before commencement, and shall be approved by the ARC after proper permits have been obtained from either Jefferson County, or the appropriate licensing body. The ARC shall generally permit blasting only on weekdays. Proper safety and protective actions shall be used. State and County regulations for licensing requirements for blasting shall hold including proper notification and seismographic procedures that are required.

#### **Burn & Bury**

Open burning is permitted on the site only in accordance with County/State regulations. No stumps or trash may be buried on the site.

#### **Chemical Toilets**

Chemical toilets shall be provided by the contractor and placed in an approved location. All chemical toilets shall be confined to the street side of the Lots.

#### **Construction Entrance**

A 12' wide entrance shall be designated on the site plan and completed before commencement of house plan excavation. It shall be of 4 inches of ballast stone for a



minimum of 25 feet from edge of asphalt roadway. Drainage swale flows may not be blocked during construction. All deliveries and ingress/egress to the lot shall take place on the construction entrance. Mud from the site tracked onto the roadway shall be removed by contractor within 24 hours.

### **Construction Limits**

The contractor should provide a detailed plan of construction limits prior to construction. The plan shall be implemented with snow fencing, rope barricades, or like material prior to construction. The plan should include size and location for construction material storage areas, limits of excavation, access areas, parking, chemical toilet location, temporary structures, dumpster, fire extinguisher, utility trenching and a construction sign.

### **Construction Trailers, Sheds, or Temporary Structures**

These construction shelters need to be approved by the ARC as to their size, configuration, and location. All temporary structures will be removed after the occupancy permit issuance.

### **Daily Operation**

Daily working operations hours for each construction site shall be 7:00 a.m. to 7:00 p.m. **Blasting and earth moving equipment is prohibited from use on Sundays.**

### **Dust, Noise and Odor**

Every effort shall be made to control dust, noise and odor emitted from a construction area. The contractors will be responsible for watering, or screening dust problem areas as well as controlling noise and offensive odors from the Lot.

### **Enforcement Policy**

The Unit Owner is the sole party accountable for activity by builders and contractors on the lot during construction. The Unit Owners Association encourages unit owners to take into consideration the reputation of their builders and their employees, subcontractors, and suppliers, in the building process in an established neighborhood. It is essential for them to respect the rights of existing homeowners defined in the covenants and the common property of the Association during the period of construction.

The Executive Board of the Unit Owner's Association will enforce the covenants (the Design Guidelines are a part thereof) in accordance with Article V, Section 5.2 of the Bylaws in regard to violations due to a) any damage to the Common areas (Exhibit I), or b) disturbance of the rights to quiet enjoyment of the other Unit Owners.

Violations will be enforced through the levy of a \$25.00 per day fine for each day that the violation persists, or in the case of an economic loss, the actual costs to correct the problem.

**Excavation**

Excess excavation material shall be removed from the property. It shall not be placed in common areas, roads, or other Lots. Excavation, except for utility trenching, shall be on the Owner's site only. Contractors are expressly prohibited, during backfill and final grading operations, to spread excess debris or material over the remainder of the Lot.

**Fire Extinguishers**

The minimum number and type of fire extinguisher(s) shall be located on each Lot in a conspicuous location.

**Housekeeping and Debris and Trash Removal**

Daily clean up of the construction site is mandatory. All trash and debris shall be stored in a dumpster or enclosed trash disposal container. Debris and trash shall be removed from the trash disposal area on a weekly basis and be hauled to a designated dump (landfill) area outside the Subdivisions at Cress Creek.

**Pets**

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

**Restoration and Repair**

Damage to any property other than the Owner's shall be promptly repaired at the expense of the person or entity causing the damage. A \$1000 security deposit shall be made by the Owner to assure the restoration and stabilization of the swales in the adjacent roadway. The deposit shall be held in escrow by Unit Owners and returned to Owner upon completion less any amounts expended by Unit Owners Association to restore swales or other damage to right of way, culverts, and pavements and shoulder gravel. In addition, the deposit covers the restoration or repair of damage to street signs and to stabilize storm water easement areas.

**Signage**

Construction signs shall meet all current requirements, codes, ordinances, and Design Guideline criteria. At no time will signs be placed on or nailed to trees.

**Vehicles and Parking**

All vehicles will be parked so as not to inhibit traffic or damage street shoulders or surrounding natural landscape. Vehicles shall not be left on the Fernbank roads overnight.

**The following items are prohibited:**

- a. Oil changing of vehicles and equipment without proper receptacles and removal procedures.
- b. Concrete equipment cleaning or concrete dumping without proper clean up and restoration.
- c. Removing any rocks, trees, plants, or topsoil from any portion of Fernbank property other than the Owners Lot.
- d. Careless treatment of trees on open space areas.
- e. Signs other than approved construction or real estate signs.
- f. Careless use of cigarettes or flammable items.
- g. Use of Firearms.

## RECOMMENDED PLANT LIST

This list has been prepared based on experience with what plants have grown well in our Fernbank neighborhood over the last 15 years. Considerations should be given to lot and house size, sun and wind exposure, deer resistance, maintenance, hardiness to zone 6 and plant invasiveness. These parameters relate to trees and shrubs which can overtake other exterior features, such as blocking windows, entryways and roadway lines of sight and vistas.

Tree selections should be proportional to the site and top out at 40 feet or less with a spread of 20-30 feet. Rate of growth and proximity to dwellings important because crowded vegetation is more susceptible to pests and disease. The following list is not all inclusive.

### TREES

Columnar Hornbeam or Oaks  
American Smoke Tree  
Maple - Brandywine, Trident, Coral Bark  
Ornamental, flowering trees  
Crape Myrtle  
Dogwood (American & Kousa)  
Redbud  
Rose of Sharon  
Ivory Silk Japanese tree lilac  
Magnolia (Teddy Bear, Star, Little Gem Sweet Bay)

### EVERGREENS

Blue Atlas Cedar  
Arizona Blue Ice Cedar  
Deodora Cedar (Dwarf)  
Blue Spruce  
False Cypress  
Junipers  
Hollies  
Pine (Austrian, Swiss, Japanese, Mugo)  
Junior Green Giant Arborvitae

### SHRUBBERY

Abelia  
Azalea  
Boxwood  
Dwarf Butterfly bushes  
Distylium  
Laurel  
Fothergilla  
Pyracanthas  
Juniper  
Nandina (Sterile varieties)  
Mahonia (Sterile varieties)  
Spirea  
Viburnum (Choose carefully)  
Grasses (Choose carefully)

### GROUND COVERS

Ajuga  
Blue fescue grasses  
Liriope  
Creeping Jenny  
Pachysandra  
Vinca  
Sedges & Sedums  
Sweet Woodruff

Also consider perennials such as ferns, coreopsis, yarrow, lavender, hellebores, alliums, iris, and daffodils. The deer will eat Hostas, tulips and daylilies.

## **SOLAR ENERGY SYSTEM GUIDELINES**

A solar energy system installation is permitted subject to compliance with the guidelines in this section. The intent is to facilitate the inclusion of sustainable design, while maintaining reasonable restrictions that do not significantly increase cost or decrease efficiency or specified performance.

1. A solar energy system shall meet applicable health and safety standards and requirements imposed by the state and local permitting authorities. The applicant shall submit copies of an applicable manufacturer specifications and local permits to the ARC.
2. Only roof mount solar energy systems are permitted. Preference should be given to the most visually inconspicuous area of the roof consistent with the requirements of access to the sun. Systems should be mounted flat and parallel to the roofline. No free standing or girder installations are allowed.
3. Where possible, the installation's design and color should not detract from the overall appearance of the home and be consistent in color with the roofing material.
4. Newly constructed structures shall provide for an integration of the solar energy system in the design.
5. A submittal to the ARC for the review of a solar energy system shall include:
  - Manufacturer's specifications
  - Name and contact information for the vendor and installer
  - Scaled drawing or photos of the proposed configuration on the roof
  - Photos of all elevations of the existing residence
  - Site location survey, plat and/or Google Earth view of the property
  - Proposed date of installation
6. The review date will be posted on the applicant's property in accordance with requirements of the Design Review Process.
7. A submittal is subject to the Design Review process including professional review, submittal of fees and 10 calendar days notice. All submittals will be reviewed on an individual basis dependent upon property location and may require additional review procedures as determined by ARC.

**CONSTRUCTION REVIEW APPLICATION**

Lot # \_\_\_\_\_ Date \_\_\_\_\_

**MAXIMUM LOT COVERAGE**

Total Useable Square Footage \_\_\_\_\_

Building Footprint (Under Eaves) \_\_\_\_\_

Other Site Improvements \_\_\_\_\_

**BUILDING HEIGHT** \_\_\_\_\_

**SUBMITTED BY UNIT OWNER:**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

**ARCHITECT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

**BUILDER:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WV Contractor Lic #: \_\_\_\_\_

**GENERAL DESCRIPTION OF RESIDENCE:**

Style \_\_\_\_\_

Square Footage: Living \_\_\_\_\_; Garage \_\_\_\_\_; Unfinished \_\_\_\_\_; Covered Porch \_\_\_\_\_

Exterior Materials \_\_\_\_\_

Roof Materials \_\_\_\_\_

Type of Basement \_\_\_\_\_

Other \_\_\_\_\_

**ADDITIONAL INFORMATION**

\_\_\_\_\_

\_\_\_\_\_

RECEIVED BY \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

PRE DESIGN REVIEW DATE: \_\_\_\_\_

PRELIMINARY DESIGN REVIEW DATE: \_\_\_\_\_

FINAL DESIGN REVIEW DATE: \_\_\_\_\_

FINAL APPROVAL DATE: \_\_\_\_\_

**I. CONCEPT REVIEW CHECKLIST - STEP 1  
DESIGN REVIEW PROCESS CHECKLIST & APPLICATION FORM**

A. Requirements

- Review Design Guidelines
- Review Covenants, Conditions, and Restrictions
- Conceptual Design and Site Plan
- Artistic Sketch/Photo
- Notification Sign Posted (Appendix IV)

B. Concept Review Discussion

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Approval: \_\_\_\_\_

Date: \_\_\_\_\_

I understand the application requirements and hereby submit the attached application for review.

Unit Owner Signature\_\_\_\_\_

Date: \_\_\_\_\_

**II. PRELIMINARY PLAN REVIEW CHECKLIST - STEP 2**

**A. Requirements**

- Detailed Site Analysis
- Survey and legal description
- Existing topography including tree, shrub & rock locations
- Utility locations
- Adjacent roads location
- Indicate north arrow and scale
- Name, address phone of legal owner(s), surveyor, architect
- Precise building locations
- Precise driveway and parking locations
- Location of decks, patios & walkways
- Proposed grading and drainage
- General plan of proposed planting
- Utilities routing

**B. Preliminary Building Plans Floor plans**

- Roof plans
- All Elevations
- Floor Plans
- One set of digitized or complete blue prints

**COMMENTS:**

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○ **Approved**      **Date:** \_\_\_\_\_



### III. FINAL PLAN & CONSTRUCTION DOCUMENT - STEP 3

#### A. Requirements

- Prior to meeting set up an onsite meeting with ARC to review field stakeout of the construction site. Stakeout should include property boundaries, setbacks, centerlines.
- Resubmit/Review Detailed Site Analysis if changed.
- Resubmit/Review refined floor plans, roof plans and if changed.
- Submit a Detailed Construction Program Schedule
- Specifications Set
- Notification sign posted

#### B. Procedures

- Final Plan and Construction Documents approval.
- Once issued forward a copy of the building permit to ARC.

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

○ **Approved. Date:** \_\_\_\_\_

#### C. Comprehensive Construction Deposit

The construction deposit is designed to insure the following:

1. No road damage.
2. The site is clean and lots surrounding are not damaged
3. Property stabilization between adjoining lots is maintained and all debris, trash and equipment is removed.
4. Drainage swales are constructed and stabilized with no ponding and the positive flow of water through the drainage easement occurs.

The Unit Owner will provide a check for the \$1000.00 Construction Damage Deposit made out to Fernbank Unit Owners Association. The fee is fully refundable within 30 days following occupancy assuming the policy conditions are met. It is the Responsibility of the homeowner to make arrangements with the ARC for final inspection. I have read, reviewed, and will comply with the construction regulations (Appendix 2) and the construction damage deposit policy.

Homeowner Signature \_\_\_\_\_

Builder Signature \_\_\_\_\_

WV General Contractor's License # \_\_\_\_\_

Architectural Review Signature \_\_\_\_\_

**IV. ADDITION/RENOVATION REVIEW CHECKLIST**

**A. Requirements**

- Provide 1 set of construction drawings in digital PDF or hardcopy paper format showing all elevations of proposed project.
- Provide detailed site plan of the project including set-backs, and property lines
- Show existing topography including trees, shrubs, and rock locations
- Utility locations
- North arrow and scale
- Specifications set
- Notification sign posted

**B. Procedures**

- Final Plan and Construction Documents approval.
- Once issued forward a copy of the building permit to ARC.

**COMMENTS:**

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**APPROVED** \_\_\_\_\_ **DATE** \_\_\_\_\_

If large earth moving equipment will be used in the renovation, the Unit Owner will provide a check for the \$1000.00 Construction Damage Deposit made out to Fernbank Unit Owners Association. The fee is fully refundable minus any damage assessment within 30 days following occupancy assuming the policy conditions noted under final review are met. It is the Responsibility of the homeowner to make arrangements with the ARC for final inspection. I have read, reviewed, and will comply with the construction regulations (Appendix 2) and the construction damage deposit policy.

Unit Owner Signature \_\_\_\_\_

Builder Signature \_\_\_\_\_

WV General Contractor's License # \_\_\_\_\_

Architectural Review Signature \_\_\_\_\_