

**HAWKSEYE**

**Architectural  
Requirements**

**Exhibit "B"**

**HAWKSEYE**  
**ARCHITECTURAL REQUIREMENTS**

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## **INTRODUCTION**

### **ARTICLE I.**

The Requirements and project philosophy as set forth in this booklet are meant to establish a level of aesthetics which will benefit the value of the individual homes and properties, and therefore the entire community. These standards will be the basis of the architectural review process.

## **PHILOSOPHY OF DEVELOPMENT**

### **ARTICLE II.**

Hawkseye is a community surrounded by privately owned lands and State of Delaware owned lands devoted to agricultural uses, including farmland, forests and woodlands, and natural wetlands.

It is the stated goal of this community to maintain this natural condition, to prevent trespassing on the surrounding lands and to build on the lots in a way that results in a cohesive character with a strong sense of community identity.

Each new house design while maintaining its individuality, should recognize its important role of reinforcing the established character of the community. The intent of these Requirements is to establish Architectural Requirements that enhance and complement the natural setting, each other's property and create a community that will increase in value over time and that promotes an unmatched style of living.

It is recommended that persons interested in building should obtain the services of an architect, landscape architect, or other recognized professional design consultant.

## **LEGAL RESTRICTIONS**

### **ARTICLE III.**

All construction shall comply with all applicable statutes, laws, ordinances, codes, rules or regulations of the United States, State of Delaware, Sussex County or their agencies with jurisdiction.

This document, which shall be made a part of the Declaration of Covenants, Conditions and Restrictions (the "Covenants"), is a legal agreement among all property owners in Hawkseye. It provides for a community association and gives that Association certain powers.

The Architectural Requirements, by agreement, establish directives on the use and development of all property in Hawkseye to protect the character and environmental quality of the community for the benefit of the members.

One essential component of this agreement is the establishment of the Hawkseye Architectural Review Committee (HARC). This provision is made and described in the general Covenants.

The (HARC) is charged with the responsibility of interpreting the intent of the Architectural Requirements to promote, preserve, and protect the design and environmental qualities of Hawkseye. For this purpose, these Requirements have been established.

### **THE HAWKSEYE ARCHITECTURAL REQUIREMENTS DEFINED**

These Requirements are a written composite summary of HARC's policies that relate to architecture, materials and finishes, and landscaping and site improvements for all residential properties.

Architectural Requirements differ from the Covenants in that they establish more specific requirements as determined to be appropriate by HARC. Changes may be recommended by the HARC and adopted by the Board of Directors in the manner prescribed in the Covenants.

Architectural Requirements are authorized by the Covenants and, as such, are legally enforceable restrictions.

### **THE HAWKSEYE ARCHITECTURAL REVIEW COMMITTEE ("HARC")**

#### **ARTICLE IV.**

##### **A. Review Basis**

HARC bases its review of each application on its interpretation of the Covenants and these Architectural Requirements only.

The HARC shall have the right to reject and seek modification of any proposed building or site features that would not align with the goals and standards set forth elsewhere herein.

##### **Section 1. Goals and Standards**

Architectural and design review of Building Plans shall fulfill the factors and goals in a. through d. below:

- a. Accounting for the extent to which diverse architectural styles and designs have been previously approved by prior HARC decisions so that duplicate construction is eliminated to the greatest extent possible to avoid monotony in architectural design.
- b. Preventing excessive or unsightly grading, indiscriminate earth moving, clearing of property, or removal of trees and vegetation that could cause excessive runoff of rain water, or alter natural land forms.
- c. Ensuring that the architectural design of structures and materials used, along with colors, are not at variance with the community's then existing overall appearance, history, surrounding development, natural land and vegetation.
- d. Ensuring that as planned, all structures and landscaping will comply with the provisions of these Covenants.

If any improvement of any nature is constructed or altered without the prior written approval of the HARC, then the Owner shall, upon demand of the Association, cause such improvement to be removed or restored in order to comply with the plans and specifications originally provided to the HARC. The Owner shall be liable for the payment of all costs of such removal or restoration, including all costs and attorneys' fees incurred by the Association. Such costs shall also be the basis for an individual Assessment.

## Section 2. Review Aspects

Building plans shall be reviewed in several aspects:

- a. Proportion: The relationship between the width and height of the front elevation of a main dwelling and those on adjacent property; the relationship between windows and doors and their relationship to the main dwelling itself.
- b. Rhythm: The spacing or repetition of architectural elements or details. The regularity, frequency and placement of doors, windows, porches and steps and their placement on the home is a type of rhythm.
- c. Scale: The relationship between the architectural mass and the space which surrounds it.
- d. Height: The proportion of new buildings with surrounding properties and subject to the requirements of Sussex County.
- e. Façade treatment. The exterior features of all main dwellings. Components to consider are color, texture and type of building materials.
- f. Design: Variation of detail, form and siting to prevent monotony.

### Section 3. Application Components

Due to time constraints, HARC's review of all applications occurs without personal presentations by the applicants. Therefore, it is incumbent upon the applicant to provide sufficient and accurate information to HARC for proper consideration. An application shall contain two sets of:

- a. Site plan showing the setbacks with grading and drainage specifics including location and elevation of culvert(s) and the footprint of the proposed dwelling and/or detached accessory building;
- b. House plans (minimum 24" x 36");
- c. Color scheme for all exterior elements; ~~and~~
- d. Elevation views of all sides of the proposed structure(s);
- e. Landscaping plan with grading and drainage specifics including a grade survey showing any adjoining properties and buildings thereon, as well as detailed plantings.

If, in the applicant's opinion, extenuating circumstances exist which would require a variance from stated Covenants or Architectural Requirements, this information should be provided with the application and a meeting with HARC may be requested. The HARC may grant variances from these Requirements if it determines that a strict application of these Requirements would result in exceptional hardship to the applicant or are to the general benefit of the community. If a variance is being considered by HARC, adjacent properties must be notified, including the reason for the variance, and given the opportunity to provide input within HARC's stated timeline prior to final determination. Variances must be legally defensible and must be published to the Membership.

#### **B. Preparation and Approval of Drawings**

For consideration by the HARC, drawings must be neat, accurate, drawn to scale, and with sufficient detail to adequately explain the entire design. Insufficient explanation of a design, including all visible details, is cause for rejection of an application.

New home and home improvement applications require the completed application form, two (2) sets of the following: site plans showing the location of the structure or addition with dimensions to property lines and to include landscape plans with grading and drainage specifics, floor plans, elevations, and one (1) set of samples for materials and colors. For improvements and/or detached accessory buildings, the plans and elevations

should show both the existing structure and the new construction. The drawings shall address as many of these Architectural Requirements as possible.

For minor material alterations, applicants must submit a detailed description of the project to HARC who will determine if further details are needed before approval.

All plans shall be submitted on minimum 24"x36" plain paper and shall be to scale.

The HARC, at its discretion, may require the addition of trim details or other architectural enhancements to the design.

No site preparation, site disturbance, excavation, or other similar construction activity shall be commenced until the HARC has reviewed and approved the site plans for new building or improvements and the site has been staked out in accordance with the approved plans, the staking has been approved by HARC, and all trees planned for removal have been clearly marked and approved for removal by HARC.

No vehicle may drive across any portion of swale prior to installation of the temporary construction driveway (see Article V, Section D2 below).

## **DESIGN REQUIREMENTS**

### **ARTICLE V**

#### **A. Site Development**

1. All houses shall be provided with a driveway. Acceptable paving materials are:
  - a. concrete
  - b. hot mix asphalt
  - c. pavers or similar materials
2. (Note: the order of 1. and 2. has been reversed.) All elevations related to the driveway will be set and/or approved by HARC. It is important that the driveway apron not impede adjacent storm water swales and should be appropriately contoured as required.
3. All other paved or hardscaped areas shall be subject to individual approval by HARC.
4. All refuse containers shall be concealed in a screened area not generally visible from any interior road and designated on site plan.
5. All electric and telephone service shall be underground.

6. Exterior lighting shall not illuminate beyond the lot line or in any way interfere with motor vehicle traffic on streets and roads or any Member's enjoyment of their property.
7. Post lamps shall not be greater than 6' in height.
8. Each lot is required to have a landscaping and drainage plan that must be approved by the HARC and completed within six (6) months of the completion of any house or improvement constructed on the lot. The landscaping plan shall show the outline of the house in scale relative to the property lines and any topographical items such as drainage swales, ponds or utility rights-of-way. Any existing trees or shrubs that will be kept intact shall also be indicated in scale. The location of planned new trees to be planted within fifteen (15) feet of the property line must be identified as well as a scale indication of their current and mature size. Installation and placement of trees and other plantings within fifteen (15) feet of the property line should take into consideration any potential safety or security issues relative to neighboring properties. All landscaping shall be installed and the surface area stabilized during the period of construction. No construction or landscaping shall interfere with the approved drainage plan and its intended purposes, or with sight-lines from driveways or public rights-of-way. For properties adjacent to ponds or other bodies of water, the owners shall be knowledgeable of and comply with the requirements of the Delaware Department of Natural Resources and Environmental Control. The landscaping and drainage plan shall be reviewed and approved prior to ground-breaking. The detailed layout of garden beds and the plantings in them do not require HARC approval. The following architectural elements of any plan must be approved by the HARC: accessory building, gazebos, gateways, arbors, obelisks or other fixed landscape or hardscape features. The addition of trees and shrubs on already developed properties does not require HARC approval provided the additional plantings will not obstruct views or interfere with neighboring property lines.
9. No exterior appendages or apparatus such as the following shall be allowed (by way of illustration and not limitation): antennas, towers, clothes lines, flag poles except as designated in DUCIOA, or yard decorations.
10. Street numbers shall be not more than four inches (4") in height.
11. All above-ground propane, gas and oil tanks shall be concealed.

**B. Minimum House Size**

1. There shall be no more than one dwelling per lot as delineated on the Record Plan. No dwelling shall be erected or used in any way which is less than three thousand (3,000) square feet of enclosed floor area exclusive of deck, stairs, porches, breezeways, carports, garages, terraces, and the like. For a two story home, the first story shall contain not less than eighteen hundred (1,800) square feet.

2. No more than one accessory building, which footprint shall be no greater than twenty percent (20%) of the footprint of the main dwelling, and which height does not exceed seventy percent (70%) of the height of the main dwelling, shall be permitted. The accessory building shall be similar to the main building in all respects, including but not limited to style of design and architecture, type of exterior siding and roofing materials, and color of exterior siding and roofing materials. The intended use of the accessory building must comply with all local codes, ordinances, and legal interpretations for an accessory building.

**C. Architectural Features**

1. All exposed portions of the foundation shall be covered with stone, brick, parging or stucco and not less than eighteen (18") inches nor more than twenty-four inches (24") shall be exposed above grade. All exposed portions of the foundation shall be finished as follows:

- a. Poured concrete foundations must be covered with stone, brick, stucco or paint (paint color to match dominant siding color);
- b. Block foundations must be parged.

2. No exposed-to-view materials will remain unfinished unless intended design is a natural finish, such as cedar shakes.

3. All roofs shall be sloping. No flat roofs shall be allowed, unless approved as a roof deck.

4. Colors shall be harmonious and shall use only compatible accents.

5. Sidings and trim shall be wood, stucco, brick, stone, cementitious boards or vinyl siding.

6. All windows that do not have shutters and doors shall be trimmed. Window trim shall be not less than three inches (3") in width.

7. No primary wall, being front or side on the first or second floor visible from the street, may be windowless.

8. All chimneys shall exit the roof near or at the ridge of the roof and shall be enclosed by masonry or by other approved materials. Metal flue caps shall be located only within metal chimney cap.

9. Fences are allowed provided that:

- a. they are made of PVC, vinyl, wood or anodized aluminum;
- b. split rail fences must have no less than three railings and no more than four railings;
- c. they are located in the backyard behind the rear line of the house
- d. they are not higher than six feet (6') with opaque surfaces no higher than five feet (5').

10. Dog kennels are allowed provided that they are attached to the rear of a main building-or to a detached accessory building.

11. Accessory building shall be placed on a permanent concrete slab with the sills anchored by bolts to the slab.

12. Solar PV panels must be installed by a licensed contractor, specifically certified to perform solar installations in the state of Delaware. The layout of the panels must be approved by HARC, orderly and not haphazard. All installations must have a Sussex County building permit and pass all required inspections by both the county and the electricity utility provider, Delaware Electric Coop.

**D. Builder and Owner Requirements:**

1. Prior to the commencement of construction of any new building or improvement, the Builder shall submit copies to the HARC of a building permit issued by Sussex County for the construction.

2. Prior to the commencement of construction of any new building or improvement, the Builder shall post with HARC, a bond in the amount of \$5,000:

- a. to secure any damage that the Builder, his agents, servants, employees, subcontractors, suppliers, landscapers, or materialmen, cause to any road, street, bridge, swale or drain, or any gate, light or other appurtenance or any other common property during the construction;
- b. to ensure that building was completed as approved;
- c. to ensure that culvert pipes have been installed at the required elevation;
- d. to satisfy fines assessed for violation of building policy; or
- e. to remove any trash or rubbish remaining after the completion of construction.

The bond will be held until proper functionality of the swale has been determined. The Builder, his agents, servants, employees, subcontractors, suppliers, or materialmen, shall not cross, pass over or otherwise disturb any drainage swale during construction. During construction, Builders shall enter upon a lot only by an approved driveway and construction entrance and provide a substantial barrier to protect the swale.

3. Builders and Owners must inform and enforce subcontractor compliance with all Association regulations.

4. During the construction of any new building or other improvements, no material shall be stored on a lot other than that upon which construction is taking place. No material or vehicles shall be left on any road after cessation of daily work. Only materials or vehicles actively involved in construction on that lot may be stored on the premises. A temporary storage building not to exceed 8' x 10' is permitted during construction and shall be removed immediately upon the completion or cessation of construction.

5. Prior to driveway paving HARC must receive written certification by a licensed engineer or surveyor that the culvert pipe is set at the proper elevation. HARC can demand resetting of the culvert pipe at the Owner's expense if the culvert pipe is set at an improper elevation or pitch.

6. All garbage, trash, or food, shall be placed in a garbage can and all other solid waste shall be placed in the appropriate solid waste disposal containers at the end of each work day. Any waste containers or garbage cans more than two-thirds (2/3) full shall be promptly emptied and the contents removed from the site. Only building debris may be placed in dumpsters. Said dumpsters shall be covered by a tie down tarpaulin cover once trash is visible or can blow out of the dumpster. Fugitive soils and/or other materials must be broomed/removed from the roadway at the completion of each work day to keep roadways and neighborhood clean.

7. No building, site preparation, site disturbance, excavation or other similar construction activity, shall take place on Sundays nor on any other day between 7:00 P.M. and 7:00 A.M.-No outside construction lights are permitted. All workmen shall exit the premises within one (1) hour of the completion of a day's work and may return not earlier than one (1) hour before the commencement of a day's work.

8. Construction workers shall not play music that can be heard at adjacent residences.

9. No spoil from the excavation of a lot shall be stored except on the lot upon which construction is taking place, shall be surrounded by a silt fence and shall be removed from the site within 120 days of excavation.