



**BAY POINTE HOMEOWNERS ASSOCIATION
ARCHITECTURAL BOARD DESIGN AND DEVELOPMENT GUIDELINES
AND APPLICATION AND REVIEW PROCEDURE**

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& 8/15/2024**

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BPAB Application Review and Design Guidelines

1. Purpose

The Bay Pointe Architectural Board Design and Development Guidelines and Application and Review Procedure (the “Guidelines”) supplements and implements Article VII and Article VIII of the Declaration of Covenants, Conditions, Easements, And Restrictions For Bay Pointe, and is designed to help homeowners plan and execute property improvement projects.

This document is not intended to replace the existing Declaration of Covenants, Conditions, Easements, And Restrictions For Bay Pointe. In the event of a conflict between the Guidelines and the Declaration of Covenants, Conditions, Easements, and Restrictions For Bay Pointe, the Declaration shall take precedence.

2. Key Terms

CCRS: The Declaration of Covenants, Conditions, Easements, And Restrictions For Bay Pointe that govern how the Homeowners’ Association operates. The CCRS are agreed to by all Bay Pointe Homeowners in the documents signed at settlement and govern homeownership in Bay Pointe. Homeowners may obtain an electronic copy of the CCRS on the Bay Pointe Community website (www.baypointelewes.net).

BPHOA: The Bay Pointe Homeowners Association is the legal entity established by the CCRS to manage the CCR requirements and responsibilities. The CCRS maintain the quality and value of our community through maintenance of the Common Areas and establishment of policies and procedures to meet the CCR requirements.

Board Of Directors/Board: The Board of Directors of the Bay Pointe Homeowners Association govern the BPHOA’s affairs. The Board consists of five (5) members elected by the Association’s voting members.

BPAB: The Bay Pointe Architectural Board is appointed by the Bay Pointe Board of Directors to review and approve architectural changes requested by Association members.

Professional Managing Agent/Agent: The Board’s agent responsible for certain administrative elements of the Association’s affairs. Contact and other information for the Agent can be found on the Bay Pointe community website.

Additional terms used herein can be found in Article I - Definitions, of the CCRS.

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3. Preamble

Given that, Section 7.2 of the CCRS allows the BPAB, on behalf of the Board of Directors, to promulgate design and development guidelines and application and review procedures; and, Given that, Section 7.2 of the CCRS states that the BPAB has full authority to prepare and amend the standards; and,

Given that, Section 7.6.1 of the CCRS states that the BPAB can base approval/disapproval on the specifications and requirements in the BPAB Guidelines And Application and Review Procedure or solely on aesthetic considerations; and,

Given that, the BPHOA Board deems it in the best interest of the Association to implement an Architectural Design and Development Guidelines And Application and Review Procedure;

Now therefore, the BPAB, on behalf of the BPHOA Board, resolves that the following Architectural Board Design and Development Guidelines And Application and Review Procedure be adopted and supersede any other policy before it of the same.

4. Architectural Review

The BPAB is appointed by the Board of Directors to review and approve exterior architectural modifications (“modification(s)”) and new construction requested by a homeowner. The primary responsibility of the BPAB is to protect the visual integrity, aesthetic harmony, and long-term property values of the Development of Bay Pointe by interpreting and ensuring adherence to the CCRS document. For purposes of these Guidelines, “architectural modifications” include a modification, alternation, additions, or construction on an existing property, open space, or structure or construction of a new structure on the property. The BPAB serves the BPHOA by providing support and guidance to all homeowners who wish to make structural or landscaping modifications.

All homeowners are required to submit an application for an exterior architectural modification with the expectation that such application will be fully considered in a timely and consistent manner. The Board has empowered the BPAB to assess and approve each application in conjunction with the applicable CCR requirements, and to encourage and assist Bay Pointe homeowners in their efforts to maintain and improve their properties.

4.1. Bay Pointe Architectural Design Objectives

One of the most important provisions underlying the preservation of the character of our community is the requirement for architectural review. To that end, Section 7.6.4.3. of the CCRS states that “[e]nsuring that the architectural design of structures and their materials and colors are visually harmonious with the Development’s overall appearance, history and cultural heritage, with surrounding development, with natural land forms and native

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vegetation, and with development plans approved by the Developer, or by a governmental or public authority, if any, for the areas in which the structures are proposed to be located.” By way of example, houses and other structures in the Bay Pointe community can be generally characterized by traditional design features primarily on the front elevation of the house: asymmetrical architecture with a steeply pitched roof; porches; multiple gables, dormers; use of multiple exterior materials compatible with existing homes (such as shake, stone, shiplap, and clapboard siding); exterior door with a window, sidelight(s), or transom window; and “arch” or “radius” exterior windows.

4.2. Architectural Board Operating Principles

The BPAB recognizes the need to balance individual homeowners’ desires to enhance their homes and properties with the overall responsibility to the greater Bay Pointe community. To this end, the BPAB endeavors to be objective, reasonable, and consistent in its application of the Bay Pointe CCRS and these Guidelines. The BPAB will treat all homeowners with respect and dignity, while ensuring that the rights of all homeowners and the community at large are given full consideration.

The homeowner is responsible for ensuring that any project that is undertaken complies with design, construction, licensing and other requirements of those Federal, State, and Local governmental and other entities with such authorities. The homeowner is also responsible for ensuring that all work is performed by qualified, licensed, and insured individuals or companies where the work to be performed requires such credentials. The BPAB, the BPHOA, its Board of Directors or Professional Managing Agent(s) do not review, and assume no responsibility for, the following:

1. Compliance with any and all governmental building codes, regulations, safety requirements, laws or ordinances. BPAB approval does not constitute local government approval or permits.
2. The structural adequacy, capacity or safety features of the proposed modification/alteration/change.
3. Whether or not the location of the proposed modification/alteration/change on the lot is free from possible hazards from flooding or any other conditions occurring either on or off the property.
4. Soil erosion, un-compactable or un-stable soil conditions.
5. Mechanical, electrical or any other technical design requirements for a proposed modification/alteration/change.
6. Performance or quality of work of any contractor.

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5. Application And Review Procedure

5.1. Overview of the Submission, Review, and Approval Process

A homeowner wishing to alter, modify, construct, or change the exterior appearance of his/her home or other structure on the property must obtain the approval of the BPAB prior to initiation of the work. The homeowner begins this process by submitting a “Bay Pointe Architectural Modification Application” (“application”) to the BPAB through the BPHOA Agent. The Bay Pointe Architectural Modification Application is available on the BPHOA community website.

The Agent will accept a homeowner’s application and perform an initial review for completeness. An application lacking sufficient or complete documentation of the proposed improvement(s) will be returned to the homeowner promptly and will only be considered when the homeowner submits a fully complete application.

Upon completion of the initial review, the Agent will forward the acceptable application to the BPAB. The BPAB will review the application to determine conformance to the standards set forth in the CCRS, these Guidelines, and any approved documents of amendments or clarifications.

The BPAB will notify the Agent of the result of its review and direct the Agent to notify the homeowner of the BPAB’s decision.

The Agent will notify the homeowner by email and by regular mail (USPS) communicating the BPAB’s decision within thirty (30) days after the receipt of a complete application by the BPAB. The BPAB’s approval may be subject to specific conditions which will be clearly stated in the response to the applicant. All responses will explain what has been approved by the BPAB and/or the reasons for any denials. An application that combines multiple items may have some items approved and others denied.

A homeowner receiving a partial or full denial of its application is encouraged to work with the BPAB to rectify the BPAB’s issues so that a new/revised application can be submitted which would meet the requirements for approval. The homeowner may appeal a BPAB decision to the Board (see Section V. Appeal Process, below).

The BPAB or its Agent may perform an interim inspection(s) as work on the homeowner’s approved application progresses. The purpose of the interim inspection(s) is to ensure that work is being accomplished in accordance with the approved application and to facilitate the timely resolution of issues as they arise. The interim inspection(s) benefit both the homeowner and the BPHOA. The homeowner will be notified by the BPAB or the Agent to schedule an interim inspection. Upon completion of an approved modification(s), the BPAB

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will schedule an on-site inspection with the homeowner to ensure that the modifications have been completed as approved. Once the final inspection confirms that the modifications have been satisfactorily completed, the Agent will issue a Certificate of Compliance (COC) to the homeowner.

A more detailed explanation of the procedures for the submission, review and approval of a homeowner's application is provided in Sections IV.B through IV.E, below.

5.2. Completion of the Architectural Modification Application

All modifications require an application and approval before a project is started. However, repairs and/or replacements in like kind (material/color/brand) do not require an application. Documents and information required to complete a request for an architectural modification are as follows. (Note that these requirements are also listed in the "Bay Pointe Architectural Modification Application" document.)

1. A completed Bay Pointe Architectural Modification Application, 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 or 'plat' which 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.
3. When appropriate, elevation 'side-view' drawings, sketches, illustrations, or representative pictures of any proposed structures that clearly illustrate the appearance of the completed structure, including overall dimensions.
4. Descriptions of material to be used together with manufacturer's information where available. Additionally, color samples and physical samples are required if materials are different from those that currently exist. Color pictures illustrating changes and pictures of proposed items are helpful.
5. Descriptions of landscaping modifications including the types and sizes of trees and/or plant materials. To the extent practical, the size of the tree or plant at maturity should also be provided.
6. Proof of Contractor's License and Insurance. If the homeowner intends to complete all or part of the project themselves, the application must state that the modification is to be an owner-installed project.
7. Signed contractor's agreement.

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8. A certification of non-effect of the proposed project from a professional engineer licensed in the State of Delaware for any application which may affect drainage of storm water.
9. Application Fee. The fee covers the administrative cost of the Architectural Review Process and Certificate Compliance.

The homeowner is responsible for submitting his/her application in sufficient time to permit the BPAB to conduct its review of the application. In determining the timing of his/her application, the homeowner needs to consider the possibility that (a) additional information may be needed by the BPAB during the review process, (b) the BPAB may need to discuss the application with the homeowner, or (c) the application may be denied. A homeowner needs to be aware that his/her failure to include all necessary information will also delay consideration of the application.

In addition, a homeowner submitting an application needs to be aware of the following:

1. Any modification initiated without written approval from the BPAB is considered a violation. Homeowners are directed to the BPHOA “Fine Schedule and Enforcement Policy,” available on the BPHOA community web site.
2. Any modifications begun or completed prior to approval by the BPAB run the risk of having to make changes to meet the Bay Pointe standards regarding property line setbacks, materials, colors and other requirements. TO AVOID THESE POTENTIALLY COSTLY CHANGES, HOMEOWNERS MUST SUBMIT THE REQUIRED REQUEST DOCUMENTS PRIOR TO BEGINNING ANY MODIFICATIONS.
3. Applicants should apply for necessary local building permits only after receiving BPAB approval of their applications.

5.3. Application Review

- 5.3.1. All applications will be reviewed within 30 days of receipt of a complete application by the BPAB.
- 5.3.2. If additional information is needed to complete a review, the BPAB will notify the Agent and the Agent will contact the homeowner, requesting the additional information. (Section 7.3 of the CCRS)
- 5.3.3. The BPAB may schedule a meeting with the homeowner if there are questions which need to be discussed concerning the application. The meeting will be conducted at the Bay Pointe clubhouse, where practical.

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5.4. Application Decision

- 5.4.1. A simple majority of the BPAB members is required to approve or deny an application or elements of an application.
- 5.4.2. All BPAB decisions will be made within 30 (thirty) days of receipt of a complete application.
- 5.4.3. Homeowners will receive the BPAB's decision in writing via email and standard mail (USPS) as soon as practicable after the decision is made.
- 5.4.4. The BPAB will provide a monthly report of actions to the Bay Pointe Board of Directors, including details such as: modification description, lot location and BPAB members' decisions.

5.5. Final Compliance

- 5.5.1. Modifications should be completed within one year of the approval date.
- 5.5.2. Restoration or rebuild projects must be completed within nine months.
- 5.5.3. If an extension to the project's completion date as set forth in IV.E.1 and IV.E.2, above, is needed, a written request must be submitted to the BPAB for approval at least 45 days prior to the expiration of the time period.
- 5.5.4. Once a project is completed, the homeowner must complete and sign the inspection form, and mail it to the Agent. The inspection form is provided to the homeowner as part of the application package. The BPAB or the Agent will schedule an on-site inspection to review the completed project and the approved project specifications to ensure the modifications have been completed as approved. The failure of the homeowner to timely submit the inspection form may result in the imposition of a Notice of Violation and/or fine.
- 5.5.5. Once the final inspection is signed off by the BPAB or the Agent, a Certificate of Compliance (COC) will be issued by the Agent. COC documents should be retained by the homeowner.

6. Appeal Process

A homeowner may choose to appeal all, or part, of the BPAB's decision made with respect to a specific application. Only the homeowner may submit the appeal and the appeal must be in writing. The form(s) needed by the homeowner to submit an appeal will be included in the notice of denial from the BPAB and are also available on the Bay Pointe Community website.

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Section 8, Enforcement Procedures, of the Bylaws sets out the requirements that are to be followed by the Board prior to imposing a fine or other sanction on a homeowner for a violation of any of the governing documents. Section 8 of the Bylaws applies to enforcement procedures specifically related to the issuances of Notices of Violations. BPAB decisions are not, per se, Notices of Violation as that term is used in Section 8, so the Section 8 requirements do not directly apply. The Board of Directors, in order to promote consistency and transparency in its decision-making, has instituted the following procedures for considering a homeowner appeal to the BPAB process:

1. A homeowner seeking to appeal a BPAB decision should submit its appeal form to the Agent within 14 days from the date of the BPAB's decision on the application in order to be timely.
2. The Agent will review the appeal for completeness and provide the appeal to the Board for a decision. The Agent will also provide a copy of the appeal to the BPAB. The Board may reject an appeal solely on the basis of a lack of timeliness.
3. Upon receipt of a timely appeal, the Board will review the facts, circumstances and other information provided by the homeowner in the appeal and consider the basis for the BPAB's decision. The Board, at its discretion, may elect to have an appeal reviewed and decided either by the full Board membership or a subset thereof.
4. The homeowner may request a meeting with the Board to discuss the appeal with those Board members considering the appeal. The homeowner has 14 days from the date of its appeal submission to request such a meeting.
5. In assessing the merits of the appeal, the Board, at its discretion, may request a meeting with the homeowner and may meet with the BPAB.
6. In addition, the Board may engage independent third party(ies) to provide information relevant to the appeal.
7. The Board will use its best efforts to render a decision on the homeowner's appeal within a reasonable time. The Board's decision will be provided to the homeowner in writing by the Agent.
8. Neither the BPHOA Board of Directors, the BPAB, or the Agent will be liable financially or otherwise for the impacts of the Board's decision on the appeal, the BPAB's original decision or administration of the appeal process.

As noted above, Section 8 of the Bylaws applies to requirements that are to be followed by the Board prior to imposing a fine or other sanction on a homeowner for a violation of any of the governing documents. Accordingly, Section 8 requirements would apply to a situation in which

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a homeowner executed a modification to his/her property that was either (1) not approved by the BPAB in advance of the initiation of the modification, or (2) was accomplished in a manner different from the modification as approved by the BPAB.

7. Design And Development Guidelines

The BPAB will base its decisions with respect to an application on the factors set out in Appendix A - Design and Development Guidelines. A homeowner wishing to submit an application for BPAB consideration must comply with the Guidelines in preparing his/her application. Where appropriate, the Guidelines reference the relevant section of the CCRS that establish the requirement. Homeowners should refer back to the CCRS for the exact CCR requirements. The Board may from time to time modify the Design and Development Guidelines based on practical experience or changes to the CCRS. However, the BPAB will base its decision(s) with respect to an individual application on the version of the Appendix A in effect at the time of the submission of the application.

APPENDICES

Appendix A – Applicability

Appendix B – General Requirements

Appendix C – Projects Requiring Architectural Approval

Appendix D – Projects Not Requiring an Application or Approval

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APPENDIX A: Applicability (March 2020)

This document sets forth the design and development guidelines that will be used by the Bay Pointe Architectural Board to assess a homeowner's application for the alteration, modification, construction, or change to the exterior appearance of his/her home or other structure on the homeowner's property. A homeowner wishing to submit an application to the BPAB must comply with these design and development guidelines in designing and constructing projects subject to the BPAB's approval.

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APPENDIX B: General Requirement (March 2020)

- B.1. All projects must be within the setbacks of the lot as noted below or as described in Section 8.7 of the CCRS, Use Restrictions.
- B.2. Changes in the elevation, topography or drainage characteristics so as to materially affect the surface elevation or natural drainage of surrounding Lots are not permitted (Section 8.11).
- B.3. All additions must have a roof pitch and exterior walls, trim, style, roofing material and color must match the main dwelling.
- B.4. All detached structures must have a roof pitch and exterior walls, trim, style, roofing material and color must match the main dwelling.
- B.5. No structures constructed or placed on any Lot shall have an exterior finish of cinder block, grooved plywood, T-111, or plywood above grade (Section 8.8.2).
- B.6. All roofing shall be made of asphalt shingles or a material similar thereto which has been approved by the Bay Pointe Architectural Committee (Section 8.8.3.).
- B.7. PROHIBITION ON MODIFICATIONS TO, OR IN, COMMON AREAS / NATURAL BUFFER ZONES MODIFICATIONS. As per Sections 8.17 and 8.6 of the CCRS, owners are not permitted to alter in any way any Buffer Zone or Common Area except with the written permission of the Board of Directors. No modification requests will be accepted or approved where changes will result in encroachment or alteration of any Natural Buffer Zone or Common Area.
- B.8. Reasonable exceptions to the Design and Development Guidelines that are needed to accommodate individuals with physical or other medical disabilities and conditions will be considered by the BPAB.
- B.9. (EFFECTIVE MARCH 1, 2020) A homeowner seeking to make improvements to his/her property is responsible for ensuring that such improvements do not restrict or prohibit access to the property by Bay Pointe HOA lawn maintenance contractor(s) as they perform their work in accordance with Bay Pointe HOA community-wide contracts. This requirement applies to any improvement(s) covered in Sections C.1 through C. 4, C.6 through C.13, and C.15 of this Appendix A, Design and Development Guidelines. A homeowner that makes an unapproved improvement that restricts or prohibits access to the property for purposes of HOA-provided lawn maintenance will be responsible for performing the needed lawn maintenance at their own cost. The requirements of this paragraph 9 apply to all

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homeowner improvements that require BPAB approval submitted on or after the effective date of this Section.

- B.10. (EFFECTIVE MARCH 1, 2020) The installation of window HVAC units is prohibited. However, the BPAB may approve the temporary installation of such a unit in cases affecting the safety and health of a resident when the central (“whole house”) HVAC unit is inoperable due to the need for repairs or replacement. In such cases, the homeowner must contact the BPAB to request relief from this prohibition.

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APPENDIX C: Projects Requiring Architectural Approval

The following types of projects need approval by the BPAB (Section 7.6 of the CCR's):

1. Additions or alterations to structures, if visible from the exterior of the structure.
2. Driveways and Driveway Extensions.
3. Installations of Decks, Fences, Patios, Porch Screening or Walls.
4. Repainting a structure in a different color.
5. Addition of sheds or other accessories buildings
6. Landscaping that involves:
 - Changes in lot elevations,
 - Plants that may block a street view, making safety a concern,
 - Addition of shrubs or trees that constitute a natural fence or have a potential impact on the environment or surrounding Lots,
 - Changes to backyards facing wet or dry ponds

Note: Under some circumstances or conditions, as noted in Sections C.1 through C.17 below, submission of a Request for Modification and subsequent Architectural Board approval may not be required. These modifications are subject to the following: All modifications must adhere to the defined requirements and restrictions. Modifications will be included in the bi-annual walk-through inspections. Modifications not compliant with the requirements and restrictions will require a Request for Modification.

C.1. Driveways & Driveway Extensions

Material: Hard, dustless, solid surface, such as concrete, brick, stone, or such similar material as may be approved by the BPAB. (Sec 8.8.4)

C.2. Decks

Location:

- a. Must be attached to the rear of the dwelling.
- b. Must be a minimum of five (5) feet from property lines extending to the sides and rear of a property.

Material:

- a. Railings shall be white vinyl deck railing. However, a color other than white for a railing located within an enclosed porch may be acceptable, provided that the color is consistent with the overall design/color scheme of the house.
- b. The deck surface can be any material.

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- c. The vertical space between the deck surface and the ground must be enclosed.
- d. White Vinyl Lattice is preferred material for bottom enclosure, but other materials will be considered for aesthetic reasons.

C.3. Patios

Location:

- a. Must be located at the rear of the dwelling.
- b. Must be constructed flush to the ground.
- c. Can be up to the property line.

Material: Hard, dustless, solid surface such as concrete, stone block, brick or flagstone. or such similar material as may be approved by the BPAB.

Note: Any adverse drainage which might result from the construction of a deck, patio, or screened porch must be considered and remedied. Approval will be denied if the BPAB determines that adjoining properties will be adversely affected by changes in drainage.

C.4. Fences (or Boundary Wall) (Section 8.2)

Shall be prohibited within the front yard area of the lots and in general, shall not be closer to the front of the Lot than one-half (1/2) of the length of the side of the dwelling unit.

The BPAB shall endeavor to maintain consistency in fence design and appearance within the Development.

Location:

- a. Can extend no more than one half of the length of the side of the dwelling.
- b. Cannot extend over any Utility System or easement.
- c. Must be on or within property lines.

Height: Not to exceed four (4) feet

Material and Color: White Vinyl

Style: Picket with spacing to provide a minimum of a 50-50 light/air passage. Solid fencing panels are not permitted. [THE FOLLOWING IS EFFECTIVE MARCH 1, 2020] At least 1 gate must be a minimum of 60 inches in width.

C.5. In-ground electronic pet containment systems (“invisible fencing”)

No modification request is required, but any installation must be within the property line and cannot encroach on any Common Area.

C.6. Boundary Line Hedge and Shrubbery (Section 8.2)

Boundary line hedges and shrubberies shall be prohibited within the front yard area of the lots and in general, shall not be closer to the front of the Lot than one-half (1/2) of the length of the side of the dwelling unit.

Location:

- a. Can extend no more than one half of the length of the side of the dwelling.
- b. Front yard installation is prohibited.
- c. Cannot extend over any Utility System or easement.

Height: Not to exceed four (4) feet.

Material and Color: Limited to those which are viewed by the BPAB to be aesthetically pleasing when installed in a residential setting.

The BPAB will consider any adverse impacts on adjoining lots, including the disruption of sight lines and the interruption of the designed drainage patterns.

C.7. Landscaping/Trees (Sections 8.12 and 8.23)

Owners are encouraged to provide landscaping for their Lots; provided, however, that the BPHOA reserves the right to reasonably restrict the placement of landscaping, fences or other impediments to the enjoyment of views.

Since trees may significantly impact water flow, neighboring properties, or the local environment, all tree plantings require a modification application.

Location:

- a. Trees are limited to two per front yard and must be installed in the same location as builder-installed original planting.
- b. Cannot encroach on a neighboring property.

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- c. Tree placement will be limited when, in the opinion of the BPAB there is a potential negative impact on the environment or surrounding Lots or the Common Area.

Material, Color, Type: Use of indigenous trees and plant materials is encouraged to maintain the local character of the By Pointe community.

C.8. Flower and Shrubbery Beds

Flower beds and any hardscaping borders to be located adjacent to the foundation of the house (“foundation planting”) that will be no greater than 6 inches in height do not require an application for modification. Flowers may be planted in any new or existing beds. All plantings, except those in beds adjacent to the house’s foundation, require a modification request.

Location:

- a. Any plantings around utility boxes require an application for modification with the understanding that any utility maintenance required will result in damage to plantings and that owners will be required to restore those areas.
- b. No more than 5 feet in depth except for house corner plantings
- c. Cannot extend over any Utility System or easement.

Height: Not to exceed four (4) feet.

Material, Color, Type and Style: Landscaping ties or any other types of treated woods are not permitted.

C.9. Pools and Hot Tubs (Section 8.3)

Pools and Hot Tubs subject to this section are defined as those needing a recirculating pump to operate. Above-ground pools and in-ground pools are prohibited.

Location: whether free-standing or integrated into a deck, must be placed directly behind the house within the imaginary parallel lines extending perpendicular to the back lot line from the back corners of the house (“line of sight” boundaries). Privacy fencing or vegetation screening around hot tubs is encouraged to protect the privacy of both homeowners and adjoining neighbors.

Temporary portable wading pools, inflatable pools, children’s pools not requiring recirculation pumps, do not require an application and prior approval, provided that: (1) they are located behind the house and within the property boundaries of the lot; and (2)

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they are taken down within 72 hours. The homeowner shall be responsible for ensuring that water drained from the pool does not damage, settle, or otherwise encroach on adjoining lots or common areas.

C.10. Garbage / Trash (Section 8.15)

Trash receptacles must be kept in the homeowner's garage or in an approved enclosure meeting the following requirements:

Location:

- a. Enclosure to be placed on the driveway/garage side of the house.
- b. Enclosure should be fully enclosed.
- c. Enclosure should be on an impervious surface, set on the ground, such as a concrete pad or pavers or composite decking material to discourage rodents, bugs, and pests.

Height: High enough to cover the containers; not to exceed four (4) feet.

Material and Color: Enclosure must be solid white vinyl or siding that matches existing house color.

C.11. Exterior Shower (Section 8.22.1)

Location: Must be placed on the side of the house.

Material and Color:

- a. Enclosure must be on an impervious surface, such as a concrete pad or composite decking and surface shall be placed on the ground. Surface must be angled away from the house for drainage.
- b. Enclosure posts must be solid white vinyl or vinyl wrapped in the exact same color as the house siding.
- c. Sides and door of the shower enclosure should be framed vinyl siding in the same color and style as the siding on the house (preferred) or solid white vinyl (less preferred), raised off the impervious surface.

C.12. Accessory Structures (Section 8.22)

Except where noted under individual sections, all exterior structures including an attached shower, a shed, mailbox, doghouse, birdhouse, garage, swing set or similar play structure,

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or basketball backboard/hoop, or individual flagpole, or any other freestanding structure require BPAB approval.

Doghouse, Gazebo, Birdhouse, Swing Set or Other Free-Standing Structures

Location: May only be placed in the back yard.

Mailboxes

Location: Replacement mailboxes must be placed in their original location.

Height: Must conform to all other lots.

Material and Color: Must match the original installation in appearance and color.

Note: Non-permanent/seasonal mailbox covers are permitted.

Flagpoles

Location: May be placed in the front of the dwelling.

Height: Cannot exceed twenty-four (24) feet in height.

Material and Color: Aluminum, steel, or other approved material.

Basketball hoop

Location: As approved by the BPAB.

Height: No restriction.

Material and Color: No restriction.

C.13. Sheds & Gazebos (Section 8.2)

Location:

- a. Placed in the rear yard no less than 10 feet off of the rear and side property lines.
- b. Free-standing sheds are not permitted in the areas of existing ponds, but attached sheds are permitted with same restriction as those for free-standing sheds.

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- c. [EFFECTIVE MARCH 1, 2020] A free-standing shed must be placed within the boundaries of imaginary parallel lines extending perpendicular to the back lot line from the back corners of the house. In instances where a free-standing shed cannot be placed within the boundaries established herein, the homeowner may construct a shed attached to the house, provided that such attached shed is otherwise in conformance with BPAB requirements.

Material and Color:

- a. Must have a roof pitch and the exterior walls, trim, style, roofing material and color must match the main dwelling.
- b. Not to exceed one-hundred eighty (180) square feet.

C.14. Doors/Front Storm Doors (Sections 7.6.1.)

Material and Color:

- a. Painting of doors is permitted but colors are limited to those already existing on other homes in the community.
- b. Storm Door color must match the trim on the dwelling.
- c. Storm doors must be of “full-view” design only (glass covering at least 80% of the door surface. No 'cross buck' doors will be approved.
- d. Storm doors to be made of aluminum, fiberglass, or vinyl only.

C.15. Satellite Dishes/Antennas (Section 8.32)

The BPAB is cognizant of the Rules promulgated by the Federal Communications Commission (47.C.F.R. section 1.4000, in effect since October 14, 1996) with regard to such installations. In furtherance of this legislation, a homeowner must submit an application for the installation of a satellite dish/antenna prior to installation of such a device. The BPAB will review the application to ensure that the installation minimizes the visual impact on the community and meets the location requirements identified below.

Location:

- a. To the extent practical, dishes and antennas should not be visible from the common areas within the community.
- b. The installation cannot unduly impact the view of a neighbor.

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C.16. Solar Panels

The BPAB is cognizant of the Delaware Enacted Legislation prohibiting restricting the use of solar energy systems on residential rooftops in effect since January 1, 2010.

In furtherance of that objective, a homeowner must submit an application for modification prior to installing solar panels on his/her house. The BPAB will review the application to ensure that the installation minimizes the visual impact on the community and meets the location requirements identified below, and that the installation is performed by a licensed and insured contractor.

Location:

- a. Only permitted on the roof of the house.
- b. Panels are not to extend beyond the rooflines running front to back or extend higher than or beyond the ridgeline of the roof or beyond the edges of the roof.
- c. Panels are to be installed in the rear of the home where possible.

C.17. ~~Displaying Signs/Flags (Section 8.16)~~ [DELETED AUGUST 15, 2024]

C.18. Temporary Landscaping Enclosures/Barriers

[EFFECTIVE MAY 18, 2023] Residents are allowed to install temporary enclosures or barriers to protect their shrubs and trees from destruction by wildlife on a seasonal basis or until the plant has reached adequate size to withstand some damage or be tall enough to escape destruction by smaller animals, subject to the following guidelines:

- a. Barriers are to be considered as temporary and not permanent on either a seasonal basis or an initial basis. Seasonal temporary barriers will only be allowed between October 1st and April 30th. Initial temporary barriers will be allowed to be installed until the planting has reached a stage of maturity where the impact from wildlife will not likely kill the planting.
- b. Allowable materials to be used include fiberglass mesh, plastic mesh, or galvanized metal woven fabric. Colors are to be unobtrusive and can include galvanized metal, black, brown, green, or other dark colors. As an example, orange plastic construction fencing will not be permitted.
- c. Total height is not to exceed 5 feet.
- d. Temporary posts may be utilized to support the fabric but also must be an unobtrusive color.

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- e. Temporary barriers/enclosures must be kept neat and orderly (not sagging).
- f. These guidelines only apply to temporary barriers/enclosures located in the front yard or side yards.
- g. Due to the marginal investment required to install a feature like this, approval by the Architectural Review Board will not be required.

C.19. Buffer Zones

[EFFECTIVE JUNE 15, 2023] Tidewater Buffer Zones, Wetland Buffer Zones and Natural Buffer Zones exist in the Bay Pointe Community. Tidewater Buffer Zones and Wetland Buffer Zones are under the jurisdiction of Federal, State and County authorities, so homeowners are to conform to all Federal, State and County requirements for construction in these buffer areas.

Natural Buffer Zones as shown on the filed and approved development drawings are under the jurisdiction of the Bay Pointe HOA and subject to the following guidelines:

- a. Undergrowth, including grasses, weeds and scrub brush on the homeowner's property can be trimmed or removed without Architectural Review Board approval.
- b. Removal of trees with a diameter of 2 inches or larger will require the approval of the Architectural Review Board.
- c. Removal of dead limbs and dead trees will not require Architectural Review Board approval.
- d. All improvements in the Natural Buffer Zone will require Architectural Review Board approval.

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APPENDIX D - Projects Not Requiring an Application or Approval (December 3, 2021)

All property owners in Bay Pointe should be aware that approval is necessary before beginning certain improvement projects. The purpose of this notice is to spread that awareness and assure you that the system is not intended to hinder home changes. Any changes, revisions or improvements that you plan within your home are entirely up to you and do not require any approval; ARB approvals are only necessary for exterior modifications. The purpose of the ARB is to provide the necessary review and give approval where required.

Mission Statement

The mission of the Architectural Review Board is to maintain the highest quality and consistency of the aesthetics and design of the residences and home sites found throughout the Bay Pointe community by a process of on-going review and monitoring. As an agent for the Bay Pointe Homeowners Association Board of Directors, the primary purpose of the ARB is the directing of an orderly development of an architecturally pleasing and harmonious private residential community and to maintain property values.

Requirements

All proposed projects should meet the standards cited in the most recent Design and Development Guidelines and Application and Review Procedure. These can currently be found in the Bay Pointe website that is available to all property owners:

baypointede.com

- Documents
 - Policies-Rules
 - Current
 - BPARB Application
 - BPARB Design and Development Guidelines

portal.premierpropertyandpool.com

- My Items
 - Submit a Request
 - ARC Request
 - BPARC application.pdf
 - BPAB Design and Development Guidelines V.3 FINAL Oct 14.pdf

Note that the forms on the latter website are interactive and the user may complete them and submit them on-line. They will then be reviewed by Premier Community Association Management (PCAM) and once complete will be submitted to the ARB for action. There is a

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\$25.00 fee associated with submitting an Application payable to PPM for their costs of project administration and final inspection.

The following projects no longer require prior approval:

- a. [REVISED EFFECTIVE NOVEMBER 9, 2023] Painting and replacement of garage doors, trim, siding, gutters, mailboxes if they are identical and if the same colors, styles, and materials are used. Any changes do require approval.
- b. [EFFECTIVE NOVEMBER 9, 2023] Painting of exterior main doors and window shutters do not need to be submitted for ARB approval but need to be painted a single solid color.
- c. Installation of storm doors with a “full view” design only (glass covering at least 80% of the door surface) which match the trim, color of the dwelling. “Cross Buck” doors are not allowed.
- d. TV satellite dishes mounted on the rear roofline. No antennas or towers are allowed. Other locations for dishes should be submitted for review and approval.
- e. Bat and bird houses located on the rear of the property.
- f. New or modified landscaping along the perimeter of the home foundation. Landscaping ties or other forms of treated wood are not to be used. Any landscaping separate from the home perimeter does require approval.
- g. Flag holders which are wall mounted.
- h. Handrails located on the front steps of the home. Iron, aluminum or vinyl may be used but must be white, black or aluminum (Rev. 2/28/22).
- i. Attic ventilators mounted on the rear roof elevations and not visible from the street.
- j. Replacement of existing screens with professionally-installed windows on existing decks and porches using consistent colors and materials to the home.
- k. Split Duct Supplemental AC/Heating units which are located in the rear or on the side of the home (at least 5 feet from the front plane of the home.)
- l. Low voltage accent lighting which does not project into another lot or neighbor’s home.

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- m. Replacement of missing or damaged brick, stone, trim, or shutters with in-kind color and material. Any changes require approval.

Again, the Design and Development Guidelines and Application and Review Procedure should be consulted for guidance.

Completion Process

Once an Application is approved, the property owner will receive notification from PCAM along with a Completion Notice which should be returned once the project is completed. A final inspection will be conducted upon project completion and the property owner notified of the conclusion.

The ARB welcomes any questions and will work with everyone to ensure that our development continues to be one of the most outstanding in the area.

[END OF APPENDICES]