

QUICK REFERENCE GUIDE - SETBACK REQUIREMENTS WITHIN THE PINE BAY COMMUNITY

This information is for reference purposes only. It is not intended to be used as a stand alone document or as a replacement for the two governing documents (i.e., Amended and Restated Declaration and the Subdivision Plat) on this topic.

The Setback requirements for Structures on a Lot in Pine Bay are prescribed by the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pine Bay, dated October 22, 2013, as further amended, (the “Amended Declaration”) and, as applicable, by the approved Subdivision Plat for Pine Bay Section of County Manor, Sussex County, Delaware of February 1990, as further amended (the “Subdivision Plat”), with the more restrictive prescribed Setback being controlling.

SETBACK REQUIREMENTS

In summary, the Setback of Structures on a Lot from a boundary line of that Lot (each boundary line of a Lot being a “Lot Line”) are as follows for the applicable type of Lot:

All Lots other than Corner Lots or Pie Slice Lots

- 30 feet from front
- 20 feet from rear (per the Amended Declaration)
- 10 feet from each side

Corner Lots¹ (i.e., fronting two streets)

- 30 feet from the street on which the Dwelling will front on (to be determined by Owner)
- 30 feet from the other street (per the Subdivision Plat)
- 20 feet from rear (per the Amended Declaration)
- 10 feet from the remaining side

¹ Corner Lots are Lots 1, 9, 28, 33, 34, 54, 59, 68, and 69

Pie Slice Lots² (i.e., three distinct sides and fronting only one street)

- 30 feet from the street
- 20 feet from the rear point where the two (2) side Lot Lines intersect as an arc across the Lot from the rear point (based upon interpretation of the Amended Declaration)
- 10 feet from each side

UTILITY AND DRAINAGE EASEMENTS

- Every Lot in the Community is subject to utility and drainage easements, 10' in width, located within and along the perimeter of all Lot Lines of a Lot (Article V, Section 1(b) of the Amended Declaration). An Owner assumes the risk for any Improvements installed in any of these easement areas within the Lot. Should it ever become necessary for Pine Bay Homeowners Association or utility providers to undertake work in accordance with these easements, the cost of removal and replacement of such Improvements is the responsibility of the Owner.

LOTS ENCUMBERED BY A WETLANDS/BUFFER ZONE

- For a Lot encumbered by a Wetlands/Buffer Zone line that extends into the Lot, the Wetlands/Buffer Zone line is the controlling line for establishing the buildable area of the Lot. A planning/zoning Setback line is not made additive to an imposed Wetlands/Buffer Zone line. For example, if a Lot in Pine Bay has a 20' rear Setback line and is also encumbered in that location of the Lot by a 30' Wetlands/Buffer Zone line, it is the 30' line that controls. There would be no addition of a 20' Setback line to the imposed 30' Wetlands/Buffer Zone line.

VARIANCES TO APPLICABLE SETBACK REQUIREMENTS

- If there is a conflict between the Setback prescribed by the recorded Subdivision Plat for Pine Bay Section of Country Manor and the Setback requirements of the Amended and Restated Declaration as amended, the one requiring the greater Structure Setback shall control unless a Setback

² Pie Slice Lots are Lots 27, 82, 83, and 95

variance has been granted by the Board of Directors of the Pine Bay Homeowners Association and duly recorded by the Owner of the Lot with the Sussex County Recorder of Deeds. Such variance, when so recorded, supersedes the otherwise applicable Setback requirements on the Lot.

LOT LINES

- The Lot Lines of a Lot are fixed by the plot plan of Lots in the approved and recorded Subdivision Plat for Pine Bay Section of Country Manor, Sussex County, Delaware.
- All Setbacks within a Lot are measured from the Lot Line of the Lot.

STRUCTURE (from *Glossary of Defined Terms of the Pine Bay Homeowners Association*)

- Anything constructed, erected or installed on a Lot, including any part thereof, the use of which requires permanent connection to the ground, or attachment to something having a permanent location or attachment to the ground, for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. A Structure would include, but is not limited to: a Dwelling, any Outbuilding, and any feature built or constructed on a Lot, any element on the Lot which rises more than six (6) inches above the surrounding grade, including but not limited to fence, deck, porch, outdoor shower enclosure, patio, terrace, solar array, wind turbine, free standing antenna, emergency generator, railings, steps, driveway, walkways and other hardscaping, outdoor fireplace or fixed fire pit, outdoor fixed grills/kitchens/bar, Pergola, walls, free-standing exterior lighting, in-ground pools, playground equipment, trash receptacle enclosure, above ground fuel tank, HVAC unit, compost bin, trellis, flag pole, statues or sculptural elements, pond, fountain and any other Improvement considered of a fixed or permanent nature on a Lot.