

CHIMNEY OAKS
RESIDENTIAL OWNERS ASSOCIATION, INC.

ARCHITECTURAL
DESIGN GUIDELINES

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**CHIMNEY OAKS
ARCHITECTURAL DESIGN GUIDELINES**

1. INTRODUCTION

1. Objective of the Design Guidelines

This document has been prepared by Banks County Golf, LLC for the purpose of promoting the development of a residential golf community known as Chimney Oaks (the “Development”). The standards of design expressed in this document are intended to describe our “vision” of the Development through procedures that are clearly outlined and informative. Our intent is to expedite your process of building an exceptionally high-quality residence. Throughout the course of the Development, we may review and revise these Design Guidelines as necessary to reflect changing conditions.

2. Relationship to Legal Documents

These Design Guidelines are supplementary to the Declaration of Covenants, Conditions & Restrictions for Chimney Oaks (“Declaration” or “Covenants”), recorded in the Banks County, Georgia public records. The criteria are intended to complement the Declaration and, should a conflict arise, the Declaration shall prevail.

3. Community Master Plan

Chimney Oaks is a Master Planned Golf Community that includes approximately 363 acres. The site includes an 18-hole golf course and associated clubhouse, as well as swim, tennis, and future recreational areas. It is the intent of the developer to protect the natural features of the community throughout the course of development. Consequently, these Design Guidelines will also reflect that sensitivity in its approach toward the design review and construction of residences within the Development.

2. ORGANIZATION AND RESPONSIBILITIES OF THE ARCHITECTURAL REVIEW BOARD (“ARB”)

1. Mission and Function

The Declaration states that no structure is to be erected in the Development without being approved by the Architectural Review Board (“ARB”) pursuant to Article IX of the Declaration. The ARB works with these Design Guidelines and the Covenants to assure an attractive, compatible, and aesthetically pleasing community. The Design Guidelines are used by the ARB for the evaluation of projects submitted to them. The final decision of the ARB may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as committee members change over time. The developer reserves the right to revise and update the Design Guidelines as well as the performance and quality standards to respond to future changes.

2. Membership

The ARB is comprised of 3 to 5 members appointed by Banks County Golf, LLC (“Declarant”). A

member of the Declarant's staff will chair the committee. The right to appoint members to the ARB shall be retained by the Declarant until one hundred percent of the Lots have been developed and conveyed to purchasers in the normal course of development. At such time, the Board of Directors of the Association shall appoint the members of the ARB in accordance with Article IX, Section 1 of the Declaration.

3. Scope of Responsibility

The ARB has the following responsibilities:

1. Evaluating each of the plans submitted by an owner for adherence to the Design Guidelines and compatibility of the design with the adjoining sites and common spaces.
2. Approving all new construction.
3. Monitoring the design and construction process in order to ensure conformance with the Covenants and Design Guidelines.
4. Enforcing the Design Guidelines through special assessment or self-help as described in the Covenants.
5. Interpreting the Covenants and Design Guidelines at the request of the Owners.
6. Approving all modifications to existing structures, including but not limited to walls, fences, exterior painting, material replacements, window tinting, renovations, additions, play structures, and landscaping.

4. Enforcement Powers

Any structure or improvement that is erected on any Lot without ARB approval is considered to be in violation of these Design Guidelines and the Declaration. The ARB has the power to request that the nonconforming structure be brought into compliance at the owner's expense. Should the owner fail to comply with the requests of the Board, the ARB will act in accordance with Article IX Section 7 of the Declaration to bring the nonconforming item into compliance.

5. Limitation of Liability

Approval by the ARB does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ARB does not assure approval by any governmental agencies that require permits for construction. Owners are responsible for obtaining or ensuring that their architect or contractor obtains all required permits before commencement of construction. The Declarant, the Association, the Board of Directors, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modifications to any Lot. In all matters, the committees and their members shall be defended and indemnified by the Association as provided in the Declaration.

6. Amending the Design Guidelines

As the development grows, it may become necessary to amend the design guidelines. Suggested amendments to the guidelines may be discussed during the administrative portion of the ARB meeting. The ARB shall agree upon what is to be amended and the exact wording of the proposed amendment. After one hundred percent of the Lots have been developed and conveyed to purchasers in the normal course of development, the ARB will then recommend to the Board of Directors that the amendment be adopted and the Board of Directors shall then vote to approve or reject the amendment to the design guidelines. All amendments to the Design Guidelines shall either be published on the Association's website or distributed to all property owners.

3. DESIGN REVIEW PROCESS

3.01 Review of Plans

The ARB will review design submissions at scheduled ARB meetings, which will be held the fourth (4th) Thursday of the month unless otherwise scheduled. Preliminary/Final submissions must contain: engineering drawings for all elevations, site development/grading plans, material samples and anything else as required by the ARB. Submissions are due ten (10) calendar days before each meeting. The ARB Administrator will review submissions in advance of the scheduled meeting. Final Approval must be obtained before beginning construction. Builders must submit final plans reflecting any required changes/conditions imposed by the ARB to the ARB Administrator in order to schedule a clearing inspection. Submission requirements are outlined in Article IX of the Declaration and Section 5.01 of these Design Guidelines. Incomplete submissions will not be reviewed.

3.02 Conditions of Approval / Rejection of Plans

Approval by the ARB shall in no way relieve the owner of responsibility and liability for the adherence to any applicable ordinances and codes. Plans submitted for review, or any portion thereof, may be disapproved upon any grounds which are consistent with the purpose and objectives of the ARB including purely aesthetic considerations.

3.03 Architectural and Contractor Requirements

All plans for the construction of dwellings and other buildings or significant structures in the Development must be designed and drawn by a registered licensed architect or a professional experienced home designer licensed to practice in their specific trade. All construction work must be completed by a contractor licensed in the State of Georgia.

3.04 Preliminary / Final Review

The design review process is divided into two steps, (1) a Preliminary/Final Review and (2) a Final Submission. The purpose of the Preliminary Review is to allow the Owner and ARB to work together to arrive at an approved design that complies with the Design Guidelines and Covenants. For the Final Review the applicant or authorized agent must submit accurate engineering drawings of the proposed building and site layout for approval. The ARB reviews these plans for design and technical issues as set forth in the Design Guidelines, and may approve, approve with conditions, or reject the plans. No contractor may present preliminary plans with the intention of commencing construction prior to a subsequent final approval. The ARB may, at its sole discretion, grant Final Approval to begin construction without imposing requirements/conditions. If the builder is granted Final Approval at the time of the review, a clearing inspection will be scheduled immediately.

Note: Each application to the ARB shall contain a representation and warranty by the owner that use of the plans submitted does not violate any copyright associated with the plans. Neither the submission of the plans to the ARB, nor the distribution and review of the plans by the ARB shall be construed as publication in violation of the designer's copyright, if any. Each owner submitting plans to the ARB shall hold the members of the ARB, the Association and the Declarant harmless and shall indemnify said parties against any and all damages, liabilities, and expenses incurred in connection with the review process of this Declaration.

3.05 Final Submission

For Final Approval, the applicant or authorized agent must submit two copies of amended plans for the project. These drawings should address all the conditions imposed by the ARB during the Preliminary/Final Review. The ARB Administrator will verify that all conditions/requirements imposed by the ARB have been implemented, or, in the case of a divergence, schedule the submittal

for another review.

3.06 Additional Meetings with the ARB

If an application for approval is denied or conditions are unacceptable, the applicant may appeal the decision and resubmit the proposal at the next scheduled ARB meeting.

3.07 Variances

From time to time the Design Guidelines or existing site conditions may impose an undue hardship that may inhibit construction on a particular Lot. In such case, the applicant may submit a variance application (in addition to the construction application) to the ARB. The ARB will grant or deny the variance request in writing. No variances are allowed unless the applicant has received a written notice of approval from the ARB. Any variance granted is unique and does not set any precedent for future decisions of the ARB.

3.08 Design Review Fees

Design review fees will be established and published by the ARB. The purpose of these fees is to cover all expenses related to the processing of applications for construction. Unscheduled final presentations will be considered on a case-by-case basis for projects not requiring major engineering or site development changes. The ARB reserves the right to refuse an unscheduled review for any reason. The Board reserves the right to change or waive these fees from time to time without prior notice. The design review fee must be included in the preliminary submission. Submissions received without the design review fee will be considered incomplete and returned to the Owner.

At the time these initial guidelines are adopted, the design review fees are as follows:

New Construction	\$500.00
Revisions to Existing Structures*	\$300.00
Unscheduled Review	\$150.00

* Fees for Revisions are applicable 18 months following start of construction. Revisions applied for prior to completion of a project are not subject to additional review fees.

3.09 Construction Deposit

The builder will post a refundable construction deposit of \$1,000 before receiving approval for construction. The ARB will not accept payment from property owners for the construction deposit. The builder may not transfer the ownership of the construction deposit to the property owner unless authorized in writing by the ARB.

Should the builder accrue any fines during construction, the amount of the fine will be deducted from the construction deposit. The builder will then be required to replenish the amount deducted from the construction deposit within fifteen days of incurring the fine, or be subject to the enforcement provisions of Article IX, Section 7 of the Declaration.

3.10 Renovation / Additions to Existing Structures

All renovations, additions, or improvements to existing structures must be approved by the ARB. The applicant or authorized agent shall submit plans showing the nature of the work to be performed, an application for revisions, and a \$300 review fee. In addition, a \$500 construction deposit shall be submitted before starting work. The ARB reserves the right to increase this deposit as necessary to cover the scope of work proposed by the applicant. This construction deposit shall be returned when all work is complete and the project has been inspected and approved by the ARB.

3.11 Final Approval

A Final Approval Letter will be issued after the ARB approves the submitted plans for construction.

3.12 Completion / Occupancy

Upon completion, all structures, landscaping, and drainage must be inspected for compliance with the approved final plans. Upon passing inspection, a certificate of completion will be issued to the homeowner and copied to the file.

Note: Approval by the ARB does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ARB does not assure approval by any governmental agencies. The Declarant, the Association, the Board, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot. In all matters, the committees and their members shall be defended and indemnified by the Association as provided in Article IX of the Declaration.

4. THE CONSTRUCTION PROCESS

4.01 Construction Time Limit

All dwellings and other structures must be completed within one year from the date of lot clearing. Exceptions may be granted where such completion is impossible, when continuation would result in great hardship to the owner or builder due to strikes, fires, national emergencies, or natural calamities as deemed by the ARB. If an extension is needed, the builder may submit an extension request, including projected completion date, in writing to the ARB. Failure to complete the project within the deadline will result in either special assessments, self-help measures, or other enforcement rights as set forth in the Declaration.

If construction has not commenced within three months after the date of the final approval, it shall be deemed to have expired unless applicant, prior to such expiration date, has requested and received an extension in writing from the ARB.

4.02 Custom Builder's Sign

Only Approved Builders, as defined by the Declaration and approved by the Declarant, will be allowed to have a Builder sign on each job site. No other Builders will be allowed to have a Builder sign. Builder signs shall be installed at the start of clearing and grading. The sign shall remain properly installed throughout construction. Specifications for the standard builder's sign can be found in Section 13.0. Subcontractor signs or vendor advertising signs are not allowed.

4.03 Port-A-John

A port-a-john will be required for each job site. The port-a-john must be placed in the right of way to either side of the construction entrance, with the door opening toward the rear of the lot and must not impede the flow of traffic. All port-a-johns should be serviced on a weekly basis.

4.04 Tree Protection

As mentioned in the introduction, one of the primary goals of these Design Guidelines is the preservation of the property's existing natural features. Because of this, tree removal outside of the building envelope must be kept to an absolute minimum. All trees that are 6" in caliper and greater are considered protected, except sweet gum trees and pine trees which are not protected. Each

applicant must submit a tree survey, and flag trees to be removed prior to commencing construction. Tree protection requirements are as follows:

1. Protective fencing shall be installed at the drip line, prior to any clearing, site work, or construction activity. (See Sections 15 and 16 for tree protection details.)
2. The barricade shall be constructed of suitable post extending a minimum of 4 feet above grade. Posts shall be spaced appropriately and shall be joined continuously by orange plastic mesh fencing.
3. The barricade shall remain in place and in good condition for the duration of the construction activity and shall be the last item removed from the site during final cleanup.
4. Storage, temporary or otherwise, of equipment or materials is not permitted under the drip line of trees.
5. No signs shall be nailed to trees.
6. No controlled fires will be allowed in a tree save area or elsewhere in the Development.
7. No concrete washout shall be allowed in a tree save area.
8. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of underneath any tree save area.
9. All trees shall be maintained, cared for, and repaired in the event of damage by builders until the property is transferred by lease or sale to a third party.
10. If trees designated for preservation are cleared or removed during construction, the builder shall be subject to a fine of \$200 for each tree removed. In addition, replacement trees may also be required. The replacement trees shall be of the same species as a replacement rate of 0.5 caliper for every caliper removed. For example, if 3-8" caliper (24" total caliper) trees are removed, they shall be replaced by 12" (24"x 0.5) total caliper of replacement material.
11. Failure to follow any of the tree protection standards listed above will result in a fine of \$200 per incident.

4.05 Erosion Control

An erosion control plan is mandatory for all Lots. The following erosion control measures shall be followed on all job sites:

1. Type "C" silt fence shall be installed on the lower portion of the disturbed area, as per the detail provided in Section 17 of these Design Guidelines.
2. A rocked/gravel construction entrance shall be established at the time of initial clearing and grading and maintained until a permanent pavement drive has been installed. (See Section 18 for construction entrance details.)
3. All roof drains shall be tied to underground piping or other appropriate dispersion methods.
4. All underground piping shall daylight a minimum of 10 feet from the property line.
5. All disturbed areas must be permanently seeded and stabilized within 10 days of establishing final grade around the house and the contractor must install temporary seeding and mulching on all disturbed areas when no land disturbing work is being accomplished on site (i.e. grading).
6. All drainage shall be routed to avoid damage or erosion on adjacent properties, the golf course, and/or conservation easements.

Furthermore, erosion control measures submitted to the ARB shall be maintained by the builder during construction. Failure to properly maintain erosion control measures will result in a fine of \$2,000. Each offense thereafter will also incur a \$2,000 fine. In addition, multiple offenders will reimburse the Development for any costs incurred in bringing job site erosion control measures into compliance, as well as for repairing any damage to adjacent properties due to a lack of maintenance. The Association reserves the right to inspect and require modifications or corrections to existing drainage systems adversely affecting adjacent properties and/or easements.

4.06 Site Maintenance

Contractors and subcontractors must maintain the job site in a clean and orderly condition.

1. No fires are allowed on construction sites. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any lot or any drainage ditch, stream, or lake.
2. No materials may be stored or placed in the streets, swale, right-of-way, natural areas, or golf course frontages.
3. Construction materials, materials to be discarded, equipment, or vehicles shall not be placed in a designated tree save area.
4. Only usable construction materials may be stored on a construction site. They must be neatly stacked or placed in a way that they are not visible from adjacent sites.
5. All wrapping and packaging materials and food containers must be placed in a covered/enclosed trash receptacle to prevent debris from blowing onto adjacent property.
6. Discarded construction materials and debris must be removed daily or contained within a sufficient enclosure.
7. Dumpsters, debris bins, and other trash receptacles shall not exceed capacity. Schedule prompt pick up for bins and receptacles exceeding 75% of capacity to avoid overflow.

Care shall be exercised in the storage of materials and debris. Should it become necessary for the Association to clean a site or have a site cleaned, the cost will be deducted from the construction deposit.

4.07 Construction Parking Limitations

Construction parking on any internal street is limited to trade vehicles and deliveries only. Personal vehicles should be parked on the jobsite. Construction trailers must be approved by the ARB and parked on the jobsite so as not to obstruct traffic. Contractors should use discretion in all other areas of Chimney Oaks and make an effort to avoid dangerous traffic congestion in neighborhoods where multiple homes are under construction.

4.08 Right to Enter and Inspect Property for Compliance

The right of entry and inspection is specifically reserved by the ARB, its agents, and representatives to visit all or any portion of the Owner's property for verifying compliance with the requirements of the ARB. A representative of the ARB will make periodic inspections during the entire construction period. The Owner will be notified in writing with a copy to the architect/designer and general contractor of any items and exceptions noted in the inspection report and all such items and exceptions must be completed or resolved by the next meeting of the ARB.

4.09 Conduct of Workers

Contractors shall be allowed to work from 9 a.m. to Dusk Monday through Friday and from 9 a.m. to 5 p.m. on Saturday and Sunday. No alcohol or drugs are permitted on site. Animals are prohibited. Firearms are prohibited. No harassing or loud behavior is permitted. Contractors and workers shall not travel recklessly or at speeds in excess of posted limits. Workers shall not be allowed to travel the property unnecessarily or use the amenities. Any contractor who is in violation of these regulations will be fined in accordance with the Fine Schedule, see Section 21.0. Additional violations may result in the contractor being denied access to the property.

4.10 Revisions and Changes during Construction

All revisions and changes made during construction shall be submitted in writing to the ARB for approval prior to the implementation of such change. All revised drawings, material samples, and color samples must be submitted along with the revision request. The ARB will grant the request

in writing. Failure to obtain written approval for any revision during construction will result in fines being deducted from the construction deposit.

4.11 Termination / Replacement of Builder

The ARB shall receive written notification of any decisions by the Owner to terminate or replace a builder during the construction phase. Before commencing with construction, the new builder shall post a construction deposit. Once this deposit is received, the ARB will refund the remaining construction deposit to the builder who was terminated. In addition, the new builder shall remove the terminated builder's sign on the Lot and replace it with a sign bearing the new builder's information.

4.12 Return of Construction Deposit

When all construction is complete, including landscaping, the builder may request a final inspection by the ARB. At this time, a member of the ARB will inspect the project for compliance with the approved plans. If the site is in compliance, the ARB representative will return the construction deposit and provide the builder with a letter stating that they are in compliance. If the site is not in compliance, the ARB will submit a letter stating all deviations from the approved plan to the builder. The builder must then submit a revised plan and or survey showing deviations from the approved plans.

Note: Any unapproved deviation from approved plans may result in fines or other measures as described in Article IX, Section 7 of the Declaration.

4.13 Alterations / Remodeling / Improvements / Repainting of Approved Structures

Any exterior change to an existing structure requires approval from the ARB before commencing with work. All exterior changes or renovations shall be submitted to the ARB for approval as outlined in Article IX of the Declaration. All construction shall be subject to the construction regulations set forth in Section 4.0 of these Design Guidelines.

5. SPECIFIC SUBMISSION REQUIREMENTS

5.01 Plan Submission Requirements for Design Review

The following submission requirements must be met prior to obtaining final approval for construction. A design review checklist can be found on the last page of these Design Guidelines.

1. Existing Conditions (min scale 1" = 20'). Must include the following information:
 - A. Owner's name
 - B. Designer's name
 - C. North arrow and scale
 - D. Property lines with dimensions and bearings
 - E. Setback lines
 - F. Wetland lines
 - G. Easement lines
 - H. Existing two-foot contour lines
 - I. Existing trees 6" and greater in caliper
 - J. Adjacent street names
 - K. Existing utility structures
 - L. Outline of exterior walls, decks, and driveways on adjacent lots
2. Site Plan (min scale 1" = 20'). Must include the following information: (May be added to the existing conditions map)
 - A. Proposed location of home

- B. Dimensions from corner of foundation to adjacent property line
 - C. Proposed driveway and walks
 - D. Spot elevations on corners of driveway and walk (with flow arrows showing drainage)
 - E. All dimensions and material calls
 - F. Proposed fences
 - G. Proposed retaining walls (indicate wall material, top of wall elevation, and bottom of wall elevation)
 - H. Proposed pool or spa location
 - I. Location/materials/finish of all outdoor living spaces (patios, decks, and terraces)
 - J. Proposed accessory structures (outbuilding, trellis, etc.)
 - K. Finish Floor Elevation (FFE) of first floor and garage
 - L. Proposed two-foot contour lines
 - M. Drain locations, sizes, flow direction, and invert elevation.
 - N. Locations and inverts of daylighted drainpipe
 - O. Location of service area and service area screen wall
 - P. Location of underground LP tank
 - Q. Location of silt fencing and any erosion control structures
3. Architectural Plans (min scale of $\frac{1}{4}'' = 1'$)
- A. Floor Plans
 - 1) Interior rooms dimensioned and named
 - 2) All window and door openings shown
 - 3) Roof overhang with a dashed line
 - 4) Total square footage of structure
 - 5) Heated square footage of structure (as defined in Section 6.02)
 - B. Building Elevations
 - 1) Front, rear, and two side elevations
 - 2) All elevations labeled so they correspond with site plan
 - 3) Finish grade line shown against house
 - 4) Brick courses shown
 - 5) All materials and finishes called out
 - 6) Fascia, trim, and handrail details
 - 7) All decks and terraces shown
 - 8) Service Area Screen Wall detail
4. Landscape Plans (min scale of $1'' = 20'$)
- A. Owner's name
 - B. Designer's name, address, telephone number, and email
 - C. North arrow and scale
 - D. Property lines with dimensions and bearings
 - E. Location of all existing trees over 6" in diameter
 - F. Identify trees to be removed
 - G. Location of all structures (including decks, trellises, fences, gazebos, etc.), pavement, and utilities
 - H. Location of all lawn areas and shrub bed lines
 - I. Location of all proposed plant material
 - J. Plant list with quantities, botanical names, common names, sizes, and specifications
 - K. Additional drainage requirements not indicated on the submitted site plan (see Section 4.05 for drainage plan requirements)

- L. Location and specifications of all exterior lighting fixtures
- M. Total area of lawn in square feet
- N. Total area of lawn as percentage of site
- O. *At a minimum, the following landscaping will be required/or all homes:*
 - 1) Two or more 3" caliper street trees no more than 30' apart and shall be installed per the map in Section 20
 - 2) Street trees shall be equidistant from the center of the yard and located an equal distance from the road so that the trees are in line
 - 3) Evergreen shrubs (3 gal. min., 36-48 in. on center) shall be required in front of the foundation on the front side of the home, except in areas of ingress/egress
 - 4) Sod shall be required in front yard area
 - 5) The rear yard must be sodded at least 30' from the back of the house (or entire yard where the property line ends less than 30' from the back of the house); natural landscape beyond 30' from the house is permitted but must be kept in a neat, tidy, and visually pleasing manner. Rocks and pebbles are prohibited for use of making beds or pathways.
 - 6) Bark mulch or pine straw shall be used in all plant beds and areas without grass, to be maintained in a weed-free condition. Rocks and Pebbles are prohibited from use in beds
 - 7) Side loaded garages shall be screened with upright shrubs or small trees (4 feet min. height) along the property line.

5. Material Samples

- A. Siding material (brick or stone sample and mortar colors, if applicable)
- B. Roofing cut sheet
- C. Garage door type and color
- D. Front door type and color
- E. Window cut sheet
- F. Site lighting
- G. Color samples (color painted on a 4"x4" panel)
- H. Body color
- I. Trim color
- J. Driveway samples

6. ARCHITECTURAL DESIGN GUIDELINES

6.01 General Standards

Homes must be designed in conformity with the standards, requirements, and guidelines set forth in the Declaration and the Design Guidelines. All footprints and garages must be sited within the setbacks. Plans submitted for review, or any portion thereof, may be disapproved upon any grounds that are consistent with the purpose and objectives of the ARB, including purely aesthetic considerations.

6.02 Modular Construction

No modular home or manufactured home shall be placed, erected, constructed, or permitted within the Development. "Modular home" and "manufactured home" shall include any prefabricated or pre-built dwelling which consists of one or more transportable sections or components and shall also be deemed to include manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction as defined by the Georgia State Building Code. The placement of prefabricated and transportable sections onto a permanent foundation and the inspection of the resulting structure by the building inspector under the Georgia

State Building Code shall not exempt such structure from this prohibition. Prefabricated accessory structures, such as sheds and gazebos, must be reviewed and approved in strict accordance with these Design Guidelines.

6.03 Dwelling Size / Minimum Standards

Minimum square footage shall be defined as a heated floor space. (See Appendix A, Section 24 for minimums.) Heated floor space does not include garages, covered walks, and/or porches. Variances for minimum floor space may be granted if the site conditions present a hardship. Variances may also be granted if, in the ARB's sole discretion, the resulting appearance of such residential dwelling will preserve and conform to the existing architectural aesthetic.

6.04 Setback Requirements

Setback requirements are as stated on Appendix A: "Setback requirements".

6.05 Height Requirement

Building height requirements shall be as set forth in the Zoning Ordinance of Homer, Georgia and/or the Subdivision Regulations of the Town of Homer.

6.06 Front Facade

While variety is encouraged, a strong emphasis should be placed on following traditional tastes in building massing and detailing. All facades should illustrate a clean, well thought out appearance. Foremost wall of front elevation should be planned in accordance with the existing structures on the street to present a balanced streetscape.

6.07 Front Porches

All covered porches visible from the street shall have a minimum depth of eight feet. Corner lots are recommended to have a porch follow the street wall around the corner to occupy a minimum of 30% of the side yard elevation facing the adjoining street.

6.08 Approved Exterior Siding Material

1. Approved exterior siding materials:
 - A. Brick
 - B. Cedar Shakes
 - C. Cultured stone (min. 20-year warranty)
 - D. Stone
 - E. HardiPlank or approved equal cement siding
 - F. Wood siding
2. The following exterior siding materials are not approved
 - A. Vinyl Siding
 - B. Vinyl Shakes
 - C. Any other pressed board or manufactured siding not otherwise approved
 - D. Cement Stucco

Exterior siding material shall be contiguous on all elevations of all homes.

6.09 Approved Foundation Materials

The following are approved foundation materials: stone, cultured stone (min. 20-year warranty), brick, block, or cement stucco.

6.10 Roofs

Pitch of the main roof structure should be no less than 10/12. Pitches for porches, breezeways, and

other secondary structures may be less, provided they are approved by the ARB. No mansard roofs will be allowed. Contemporary or other irregularly pitched roof styles will not be allowed. All roof penetrations (gas flues, exhaust vents, plumbing vents, skylights, etc.) shall be located on the rear roof slopes so they are not visible from the street. Roof penetrations must be painted a color that is compatible with the roof color. Failure to paint roof penetrations will result in fines being deducted from the construction deposit. Roof penetrations visible from the street must be approved in writing by the ARB.

Approved roof materials shall consist of the following:

1. 30-year or better dimensional asphalt shingles
2. Cedar shakes
3. Slate
4. Synthetic-Slate
5. Standing seam metal

6.11 Chimneys

Chimney finishes are restricted to brick, stucco, dry stack-stone, cement siding, or cultured stone. No exterior metal fireboxes are allowed unless encased in masonry surrounds.

6.12 Garage / Garage Doors

Carports are not allowed. All side-loaded or courtyard garages must face away from the predominate flow of traffic as determined by the ARB. Detached garages must The street side elevation of a courtyard garage must incorporate windows, louvers, or shutters as necessary to provide variety. Garages on corner lots shall not face the main collector road. A raised panel garage door with lights is required for all garage doors. All garages must be at least two-car garages.

6.13 House Identification

Traditional Arabic metallic and or wooden house numbers are approved for this use. The ARB reserves the right to approve or deny the use of any house numbering that detracts from the appearance of the home.

6.14 Doors

Exterior doors shall be appropriate to the architectural theme. Exterior sliding doors shall only be permitted on rear elevations. They shall not be visible from the street. Storm and screen doors are not permitted unless they are of the appearance of a typical exterior door. All storm and screen doors shall be approved by the ARB.

6.15 Windows

Windows are restricted to single hung or double hung (6 over 6, 9 over 9, etc.). The use of snap-in grilles is acceptable. Storm windows shall not be permitted. Exterior window screens shall be gray. Use of glass block shall be reviewed on a case-by-case basis. Skylights and or roof windows will not be allowed on the street side elevations of the home. Dormer windows must also maintain an alignment balance with the home.

6.16 Decks and Patios

Detailing of all patios and decks must be architecturally compatible with the home. Patios and decks shall be designed to serve as an extension of the house. Rails, pickets, and underpinning should be painted to match the trim of the house. Vinyl deck railing and decking is not permitted. Views to the underside of decks and porches must be screened with underpinning and landscaping. Porch screen colors must be submitted to the ARB for approval.

6.17 Cornices and Exterior Trim

The use of traditional crown molding and detailing at cornices, as well as authentic detailing around

window and door openings will be an important part of the overall appearance. Such detailing must be consistent on all elevations.

6.18 Awnings and Shutters

Awnings and canopies shall not be affixed to the exterior of the residence without written ARB approval. Exterior shutters shall be used consistently on all windows.

6.19 Gutters and Downspouts

Gutters and downspouts shall be required for all homes. All gutters shall be seamless and shall be painted to match the trim color of the house.

7. SITE REQUIREMENTS: UTILITIES

7.01 Natural Gas

Homes may be equipped with natural (propane) gas appliances. LP tanks must be buried in the backyard and must be encased so the tank storage area is covered from view.

7.02 Antennas and Satellite Dishes

Satellite dishes are permitted within the Development. All Satellite dishes shall have a maximum diameter of one meter. Satellite dishes shall be mounted behind the front line of the dwelling and in a location not visible from any street, when such placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay.

8. SITE REQUIREMENTS: ACCESSORY AND DECORATIVE STRUCTURES

8.01 Outbuildings

Each Lot is limited to one outbuilding if the lot dimensions allow. The location and appearance of outbuildings shall be submitted and approved by the ARB prior to construction.

Outbuildings should be architecturally compatible with the home and identical in color. All outbuildings shall be within the building setback lines. The buildings shall be oriented so that access is indirect and they do not open on to the street.

8.02 Arbors and Trellises

Arbors and Trellises are permitted. Location, elevations, and finishes must be submitted to the ARB for approval prior to beginning construction.

8.03 Fences and Walls

Fences and walls must harmonize in character and color with the house. All fencing on golf course lots shall be 4' black aluminum. All fencing on non-golf course lots shall be 6' pine, unfinished board on board style with a cap on the top of the fence. All fencing on green space lots shall be determined on a case by case basis by the ARB. Fencing of the entire lot is not permitted. Fencing shall be restricted to the rear and side yard of the home as determined by the ARB. The ARB reserves the right to approve or require the use of fences along the side yard of the home. Chain link fences are not allowed. The location and materials of all fences and walls shall be submitted on the site plan for approval before construction starts.

Location and materials used for all retaining walls must be submitted for approval. See Section 5.01 for plan submission requirements and Section 25.0 for examples of fencing. Retaining walls may be constructed of timber, stone, or an interlocking wall system (i.e., keystone or an approved equal.)

8.04 Flagpoles

No in-ground flagpoles will be allowed. One decorative/seasonal flagpole will be allowed to be displayed from each house. Flags shall not be hung from trees, deck railing, or overhangs.

8.05 Swimming Pools / Hot Tubs / Water Features

Any and all proposed swimming pools, hot tubs, fountains, etc. must comply with Georgia State Law in addition to the Design Guidelines.

Above ground swimming pools are prohibited. Bubble covers for below ground swimming pools are prohibited. Pools may not be installed on the front or side yard of any home. All Plans for swimming pools must be submitted to the ARB for approval. Swimming pools which are installed in the rear yards of lots that are adjacent to the golf course or other lots will be subject to additional screening requirements as imposed by the ARB.

Outdoor hot tubs are permitted. Location of a hot tub shall be shown on the site plan and or landscape plan. Hot tubs shall not be installed on the front or side yard of any home. Hot tubs installed in the rear of lots adjacent to the golf course or other lots will be subject to additional screening requirements as imposed by the ARB.

8.06 Decorative Objects

All decorative objects placed on the property are subject to ARB approval. This includes the following: sculptures, birdbaths, fountains, birdhouses, and lawn ornaments. Decorative planters may be placed around the home. However, the size, number, and type of planters are subject to ARB approval.

8.07 Clothesline

There shall be no outdoor clothesline on any Lot.

8.08 Tennis Courts

Private tennis courts shall be prohibited.

8.09 Pet Enclosures / Houses

Birdhouses are allowed as long as they are not placed in the side or street side yard. Pet enclosures such as houses and dog runs are not allowed. All pets shall be kept on a leash when outside and not within a fenced-in area. All pet owners shall remove pet waste in a reasonable manner as to prevent disturbing odors.

8.10 Swing Sets / Play Structures

Swing sets and play structures are allowed under certain conditions. The structures must be made of wood or similar material with a natural finish. The swing set or play structure shall not be visible from any street. All swing sets or play structures located adjacent to the golf course shall be approved by the ARB prior to construction and subject to additional screening requirements as imposed by the ARB. Plans showing the location and finish of all play structures must be submitted and approved prior to construction. Basketball goals are permitted in The Reserve ONLY, if the goal is a permanent structure and the backboard itself is not facing the street. The location and finish of basketball goals shall be submitted to the ARB and approved prior to construction.

8.11 Mailboxes

Mailboxes are restricted to the type and style approved by the ARB. Mailboxes should be ordered and installed during the construction process. No other type of mailbox is permitted; except that mailboxes in The Reserve may compliment the exterior of the home. The mailbox should be mounted in the right-of-way on the side of the driveway that is closest to the property line.

9. SITE REQUIREMENTS: GRADING AND DRAINAGE

A proposed grading and drainage plan must be submitted in order to obtain ARB approval for construction. Drainage from your Lot must flow to the lowest elevation on your property. Drainage shall not flow onto adjacent lots. You will be held responsible to repair any adverse effects (i.e. erosion) of improper or excessive storm water runoff. Gutters and downspouts shall be required for all homes. Erosion control measures, including silt fencing, shall be installed and maintained by the Owner during construction. Failure to construct/maintain erosion control measures and drainage systems shall result in fines. (Refer to Section 4.05 for specific erosion control requirements.)

10. SITE REQUIREMENTS: DRIVEWAYS AND WALKS

10.01 Driveways

All driveways shall be constructed of concrete with a uniform pattern of scoring joints. Other driveway materials may include brick or pavers. All driveway designs and materials, including, colored or stamped concrete, must be submitted and approved by the ARB prior to installation. A minimum 3-foot landscape strip shall separate the drive from the property line. Driveways shall have a minimum width of 12 feet. Entry statements used in conjunction with the driveway are subject to ARB approval. The entry must be discrete and reflect the architectural details and materials of other site elements and the home. This element must be setback off the street behind the right-of-way line.

10.02 Walks

Walkways shall be constructed using materials consistent with the driveway or prominent architectural features of the house. All walks shall be a maximum of four feet in width. All material selections and location of walks shall be approved by the ARB.

Approved materials for walkway area:

1. Concrete/stamped concrete.
2. Brick/stone pavers.
3. For natural areas, mulch or pine straw.

11. SITE REQUIREMENTS: LANDSCAPING, IRRIGATION, AND LIGHTING

11.01 Landscape Budget and Submission requirements

Generally, your landscaping budget should be 5-10 % of your total construction budget. Landscape plans shall be submitted at the final submission. Submission requirements for landscape plans are located in Section 5.01.4 and are included in the Design Review Checklist.

11.02 Timing of Landscape Installation

All landscape installation shall be completed within 60 days of receiving a certificate of occupancy. If this deadline cannot be met, the owner may request an extension from the board in writing. Failure to meet this deadline will result in fines being deducted from the construction deposit.

11.03 Irrigation Requirements

For lots within The Reserve, an automatic, underground irrigation system shall irrigate all landscape areas including lawn areas and plant beds for all lots. Each landscape area shall incorporate a design for a closed looped system with automatic zones. Irrigation over spray is not permitted. Irrigation strips may be installed between the sidewalk and curb. It will be the

responsibility of the owner to repair sidewalks damaged by irrigation installation. For all other lots, the Owner is responsible for watering the lawn areas and plant beds to prevent dying.

11.05 Lighting

All exterior lights shall consist of fixtures that prevent light from escaping through the top and sides of the fixture. Down lighting is encouraged to reduce glare, better light drives and paths, and to protect neighboring properties from bright light sources. All landscape and accent lighting should be low voltage. Bulbs should be in the 7 to 20-watt range, depending on the number of bulbs per fixture, but not to exceed 60 watts total per fixture. Bulbs should be soft-white. The height of lights should be below the first story roof line and not to exceed 8 feet.

If LED bulbs are to be used in exterior lighting, then the colors/styles should be "warm white", found traditionally in incandescent lighting, versus various "bright white" or "blue" LED styles that can create an uncomfortable level of light that is annoying in intensity or hue.

All path and landscape lighting must consist of low voltage lamps. Path and landscape lighting shall have a maximum height of 36". Landscape lighting must be concealed in daytime.

Colored lights are generally prohibited. Spotlights/floodlights will be considered on a case-by-case basis, depending on orientation and location. Pole lights will be reviewed on a case-by-case basis.

Holiday lighting and decorations are permitted but may only be displayed from November 15 to January 5. Any window with holiday lights must be tastefully done. Other seasonal holiday or special event lighting and tasteful decoration are permitted but must be removed within 7 days after the holiday or within 24 hours of the special event.

Temporary ornamental sculptures/structures are permitted only with the approval of the ARB.

12. ADDITIONAL REQUIREMENTS

12.01 Storage of Recreational Vehicles and Equipment

All permanent vehicles, including golf carts, shall be kept in a garage. Recreational vehicles (boats, motor homes, and campers) shall be stored in a garage. Any other vehicles or equipment (trade vehicles, trailers, etc.) that cannot be stored in a garage or screened from view shall be removed from the property at the owner's expense.

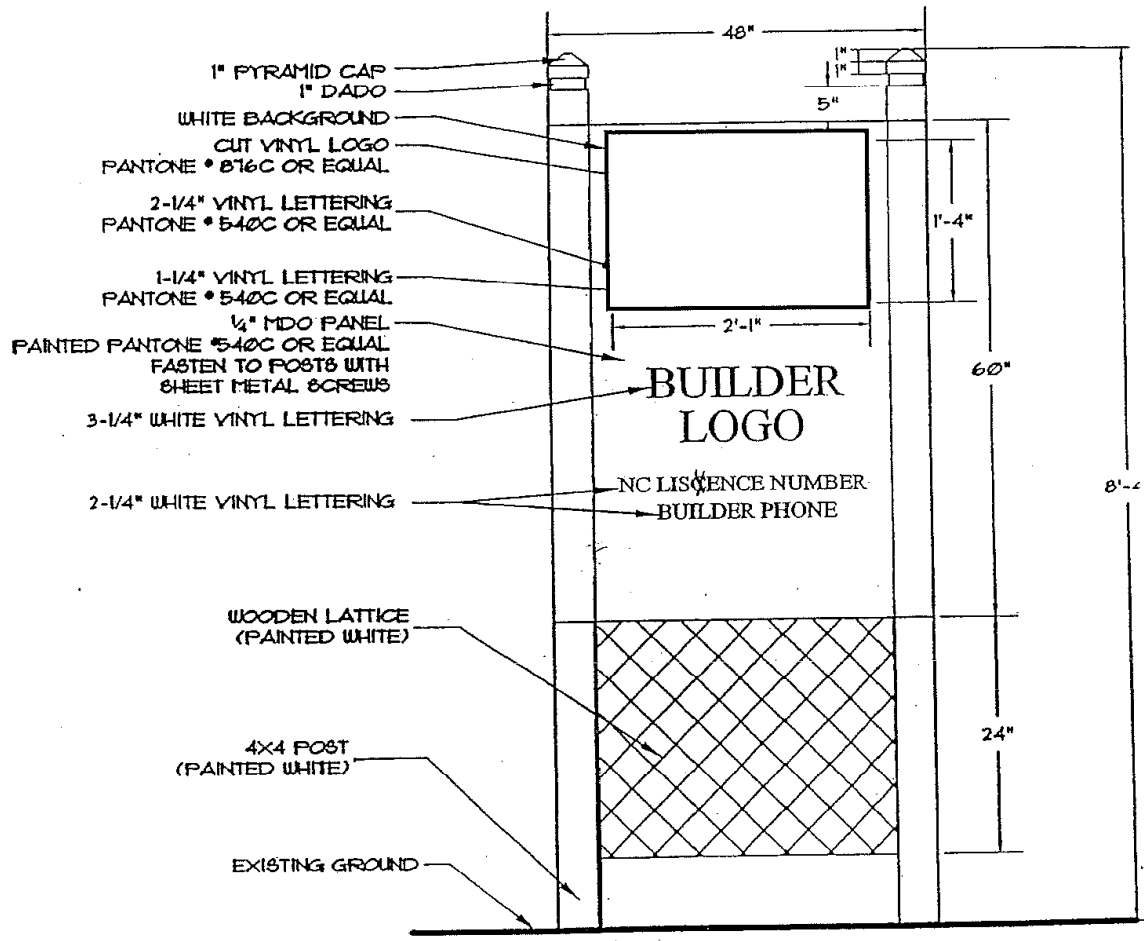
12.02 Signage

Only Approved Builders may have a builder sign erected on the Lot during construction. Subcontractor signs are not allowed on the property. Any additional signage or displays found on a jobsite may be removed at any time without warning. Builder signs shall be removed prior to release of the construction deposit.

All other homes or Lots for sale within the property may have "For Sale" signs. Additions to this sign ("take one" boxes, balloons, etc.,) shall not be permitted.

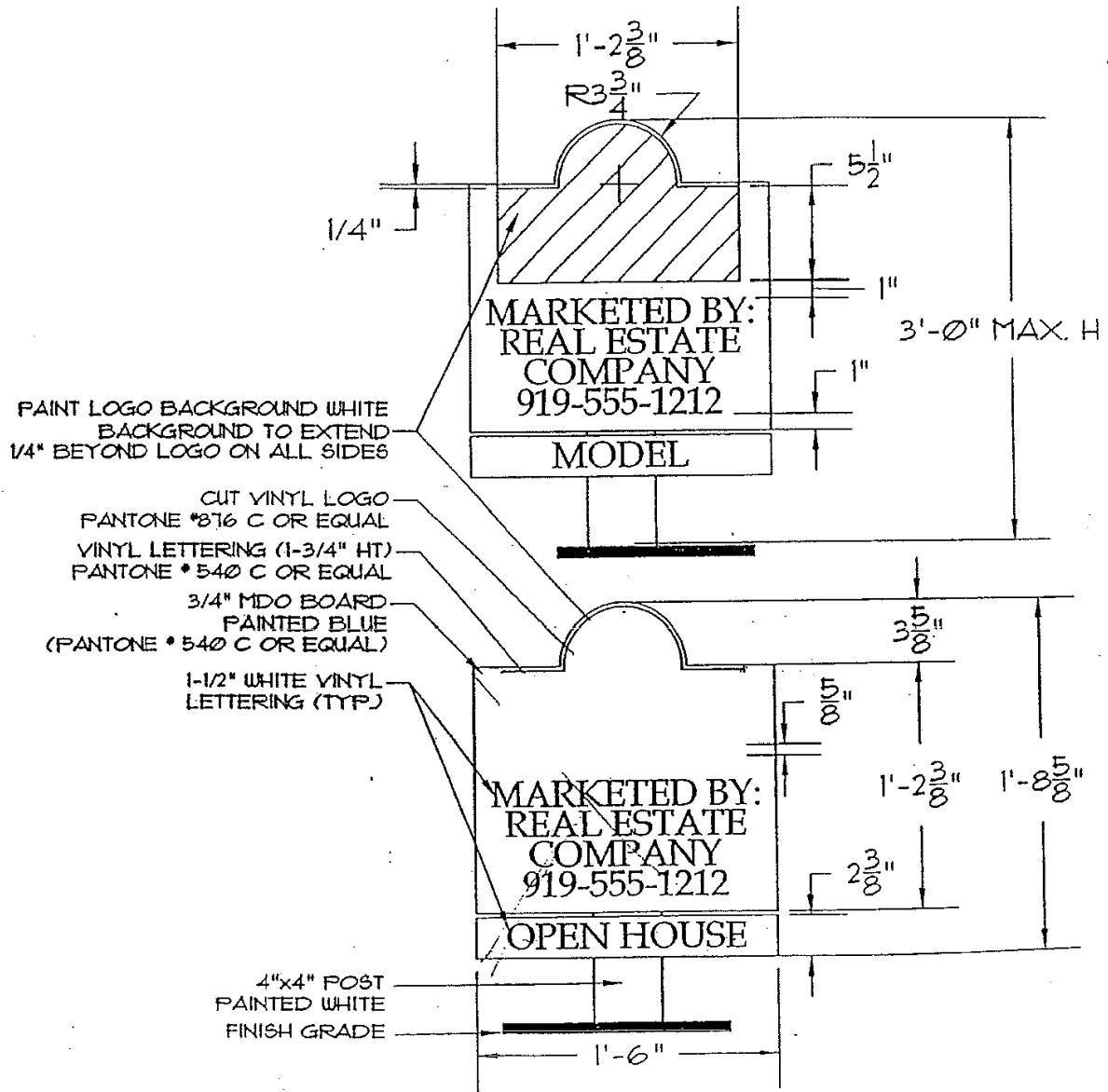
No other signs, except as provided in Article XI, Section 8 of the Declaration of Covenants, are permitted on the property. Permit boxes are permitted.

13.0 STANDARD BUILDER SIGNS

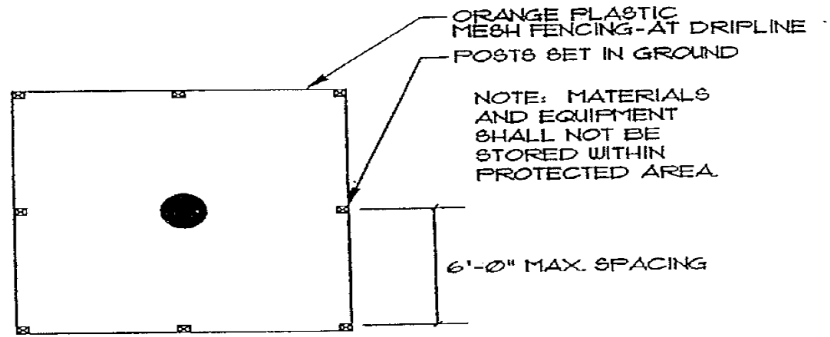


STANDARD BUILDER'S SIGN
(NOT TO SCALE)

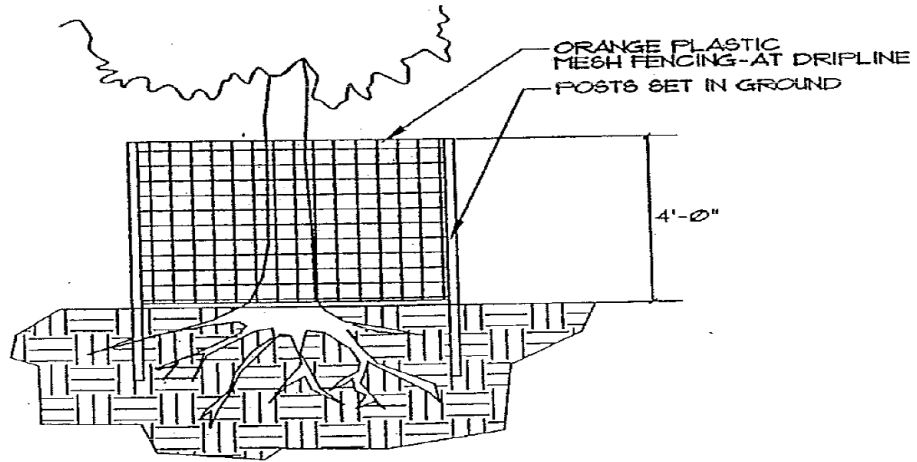
14.0 "FOR SALE" SIGN



15.0 TREE PROTECTION – INDIVIDUAL TREE PROTECTION

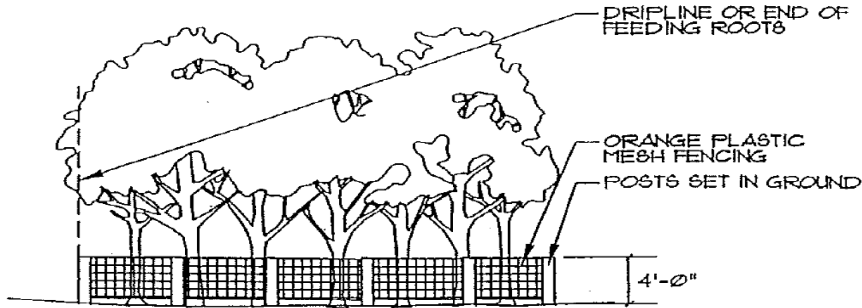


PLAN-NOT TO SCALE

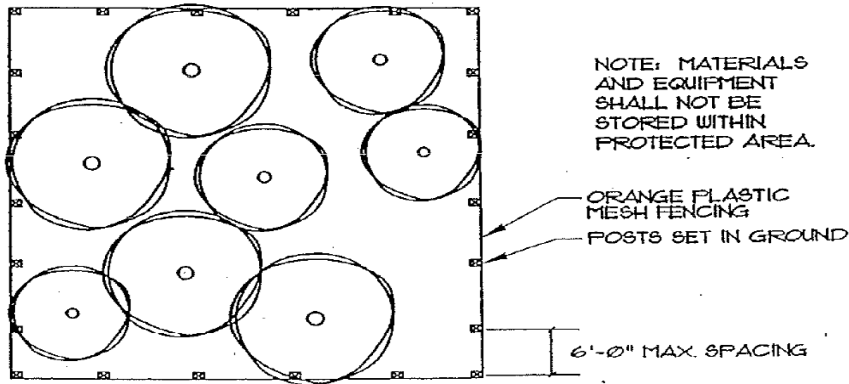


ELEVATION-NOT TO SCALE

16.0 TREE PROTECTION – TREE SAVE AREA



ELEVATION-NOT TO SCALE

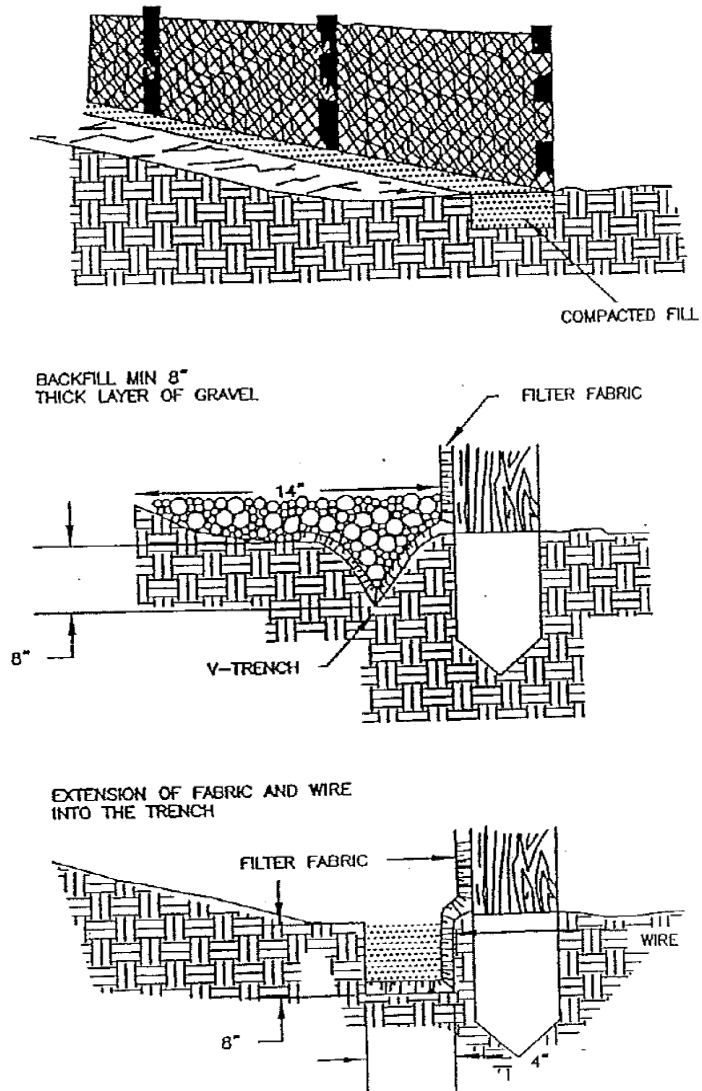


PLAN-NOT TO SCALE

TREES AND SHRUBS CLOSELY GROUPED MAY BE ENCLOSED IN ONE ENLARGED BARRICADE

17.0 EROSION CONTROL – SILT FENCE DETAIL

(Note: details are for illustrative purposes only – all silt fence must be Type C silt fence and meet the requirements of the most current edition of the Manual for Erosion and Sediment Control in Georgia)

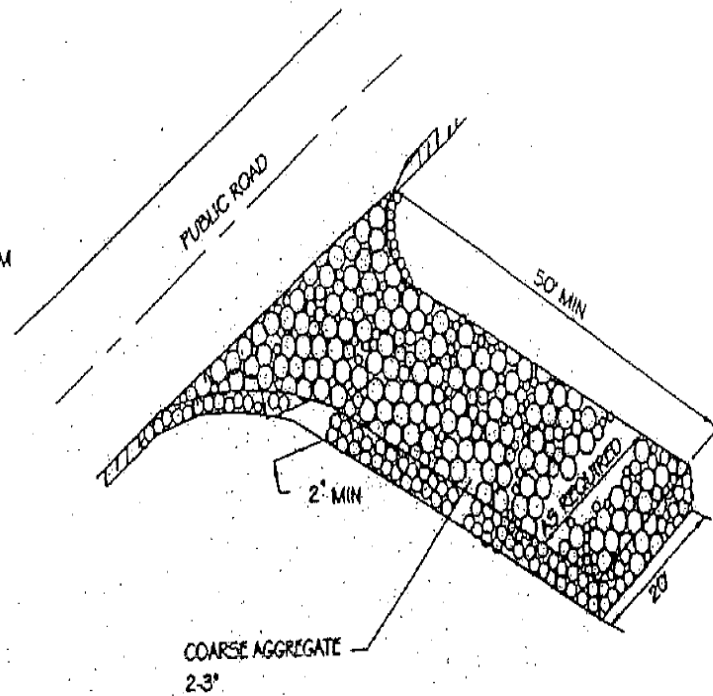


INSTALLATION DETAIL OF
SILT FENCE
NOT TO SCALE

18.0 EROSION CONTROL – CONSTRUCTION ENTRANCES

NOTES:

- a. GRAVEL PAD TO BE 12x50' AND 6" THICK MINIMUM
- b. TURNING RADIUS SUFFICIENT TO ACCOMMODATE LARGE TRUCKS IS TO BE PROVIDED.
- c. ENTRANCE(S) SHOULD BE LOCATED TO PROVIDE FOR MAXIMUM UTILITY BY ALL CONSTRUCTION VEHICLES.
- d. MUST BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR DIRECT FLOW OF MUD ONTO STREETS. PERIODIC TOPDRESSING WITH STONE SHALL BE NECESSARY; KEEP SOME HANDY.
- e. ANY MATERIAL WHICH STILL MAKES IT ONTO THE ROAD MUST BE CLEANED UP IMMEDIATELY.

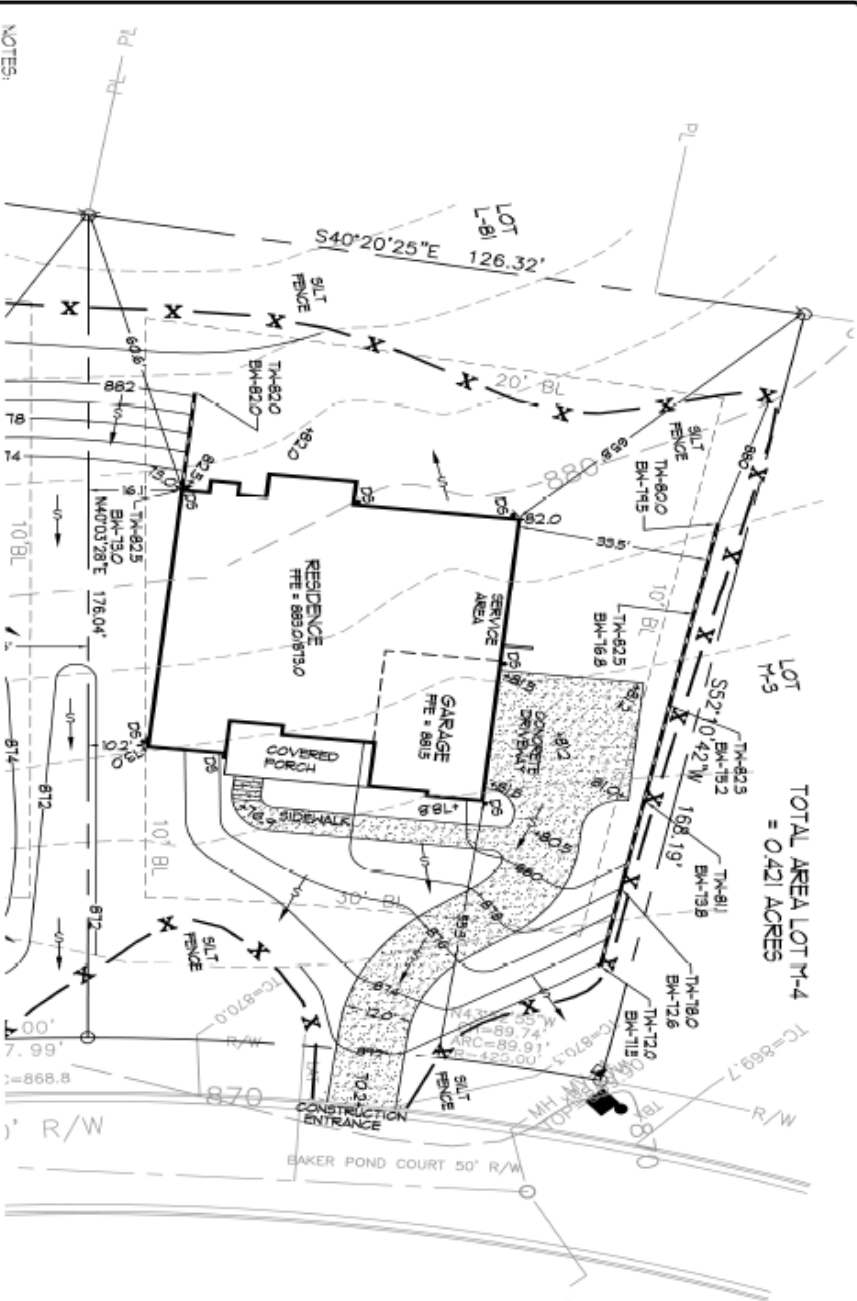
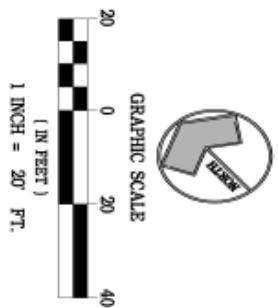


NOTES: APPLICABLE AT ALL POINTS OF INGRESS & EGRESS UNTIL SITE IS STABILIZED, FREQUENT CHECKS OF THE DEVICE AND TIMELY MAINTENANCE MUST BE PROVIDED.

TEMPORARY CONSTRUCTION ENTRANCE

19.0 CONSTRUCTION SITE PLAN

- NOTES:
1. THE UTILITIES SHOWN HERE HAVE BEEN LOCATED IN AN APPROXIMATE MANNER. THE CONTRACTOR IS RESPONSIBLE FOR HAVING ALL UTILITIES MARKED AND CONTACT THE UTILITY PROTECTION CENTER AT 1-800-282-2411. VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES AND PROTECT ALL UTILITIES FROM DAMAGE OR INTERFERENCE AND BE SOLELY RESPONSIBLE FOR ANY AND ALL DAMAGES OCCASIONED DUE FROM FAILURE TO VERIFY THE LOCATION OR PROTECT UTILITIES.
 2. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM FIELD INFORMATION BY VEVALE & ASSOCIATES, INC.
 3. REFER TO ARCHITECTURAL PLANS BY LIZ ELEGRETT FOR FOOTPRINT DIMENSIONS, ELEVATIONS AND FINISHES.
 4. GRADING PLAN IS CONCEPTUAL AND SHOULD BE USED FOR PLANNING PURPOSES ONLY. GRADING WAS PERFORMED IN A MANNER TO MINIMIZE DISTURBED AREA. FIELD ADJUSTMENTS MAY BE REQUIRED TO RENDER A MORE AESTHETIC EFFECT OR IMPROVE DRAINAGE. THE CONTRACTOR IS RESPONSIBLE FOR INSURING PROPER DRAINAGE. ADDITIONAL SYSTEMS MAY BE DEEMED NECESSARY BY THE CONTRACTOR.



SAMPLE

DAVID AN BUILDERS 1191 BRASELTON HWY LAWRENCEVILLE, GA 30043 (678) 614-1077	POD M - LOT #4 TRADITIONS OF BRASELTON 10000 S.E. 29th JACKSON COUNTY, GEORGIA	DESIGN GROUP, Inc. 2888 WATSON RD. (770) 571-4436 SUITE 100 (770) 571-4437 designgroup@tds.net www.designgroupinc.com	DATE: 11/10/10 DRAWN BY: [unintelligible] CHECKED BY: [unintelligible]
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20.0 STREET TREE MAP

21.0 FINE SCHEDULE

The following is a Schedule of Fines for violations of the established Design Guidelines. Violations may be e-mailed or phoned-in, depending on the severity of the violation. Once notified, the contractor has 48 hours to comply. After such time, the ARB may issue a stop work order and demand that the contractor take action to stop the violation. If the stop work order is ignored and the violation not corrected, the contractor, at the discretion of the ARB, may forfeit the entire construction deposit.

In the event of an emergency that involves property damage, the violation of local ordinances, or extreme violations, the ARB may, at its discretion, take corrective action to resolve any violation with the costs associated with such action being billed to the contractor and deducted from the construction deposit.

Before a fine is levied, a notice of violation will be emailed or mailed to the responsible party. If the violation is not corrected within the time required in the notice of violation, a Citation will be issued (see Section 23). Fines may be disputed with the ARB within 15 days of issuance, at which time they will be deducted from the construction deposit. The contractor then has 15 days to replenish the amount deducted from the construction deposit in accordance with Section 3.09.

ARTICLE	VIOLATION	FINE
4.06	Job site debris on site	\$100.00
4.06	Job site debris on adjacent property	\$100.00
4.06	No commercial trash enclosure	\$100.00
4.05	No gravel drive	\$100.00
4.06	Dirt/gravel in road	\$100.00
4.06	Materials in right-of-way or road	\$100.00
4.06	Construction equipment or material on adjacent lot	\$100.00
4.07	Parking violation	\$100.00
4.07	Unapproved trailer/dumpster	\$100.00
4.03	No port-a-john on site	\$100.00
4.02	Construction sign damaged or missing	\$100.00
12.02	Unauthorized sign	\$100.00
4.06	Unauthorized burning	\$200.00
2.01	Unauthorized clearing of lot	\$5,000.00
4.04	Unauthorized removal of trees	\$1,000.00
4.10	Unauthorized revisions/improvements	\$500.00
4.09	General nuisance/misconduct/working outside of authorized times	\$500.00
4.09	Traveling in excess of posted speed limits	\$100.00
4.05	Erosion into drainage facility	\$500.00
4.05	Silt fencing uninstalled/damaged	\$200.00
4.04	Tree fencing uninstalled/damaged	\$200.00
4.05	Improper routing of drainage	\$250.00
4.04	Damaged tree: 6" caliper or greater	\$200.00
4.13	Unauthorized exterior finishes (e.g., paint, stain, roofing materials, or design)	Forfeit deposit

* Above listed fines are the maximum levied for first time violations, they are doubled for future/repeat violations. Initial fines may be reduced or waived at the discretion of the developer.

** If it becomes necessary for the Developer to schedule maintenance/repairs on a job site, the Contractor will also be held responsible for the cost of said actions.

22.0 COMPLIANCE REQUEST

Compliance Request

Date:	Lot:
Builder:	ARB Representative:

During a general inspection of your property, the following violations were noted:

VIOLATION
<input type="checkbox"/> Job site debris on site
<input type="checkbox"/> Job site debris on adjacent property
<input type="checkbox"/> No commercial trash enclosure
<input type="checkbox"/> No gravel drive
<input type="checkbox"/> Dirt/gravel in road
<input type="checkbox"/> Materials in right-of-way or road
<input type="checkbox"/> Construction equipment or material on adjacent lot
<input type="checkbox"/> Parking violation
<input type="checkbox"/> Unapproved trailer/dumpster
<input type="checkbox"/> No port-a-john on site
<input type="checkbox"/> Construction sign damaged, missing
<input type="checkbox"/> Unauthorized sign
<input type="checkbox"/> Unauthorized burning
<input type="checkbox"/> Unauthorized clearing of lot

<input type="checkbox"/> Unauthorized removal of tress
<input type="checkbox"/> Unauthorized revisions / improvements
<input type="checkbox"/> General nuisance / misconduct / working outside of authorized times
<input type="checkbox"/> Traveling in excess of posted speed limit
<input type="checkbox"/> Unauthorized exterior finishes (e.g. paint, stain, roofing materials, or design)
<input type="checkbox"/> Erosion into drainage facility
<input type="checkbox"/> Silt fencing uninstalled / damaged
<input type="checkbox"/> Tree fencing uninstalled / damaged
<input type="checkbox"/> Improper routing of drainage
<input type="checkbox"/> Damaged tree: 6" caliper or greater

Please correct the above listed violations by _____. If not corrected, the violations listed above will be subject to a fine. If you would like to discuss the above violations, or if they have been corrected, please contact:

The ARB Administrator at: _____

23.0 CITATION/VIOLATION

VIOLATION NOTICE

Date:	Lot:
Builder:	ARB Representative:

A violation of the Design Guidelines for the Chimney Oaks Residential Owners Association, Inc. was noted during a property inspection. You have previously received a Compliance Request. You have 15 days from the date of this Violation Notice to present a written request for a hearing to the Board of Directors. Unless a request for a hearing is received within 15 days, a fine will be levied against your construction deposit according to the schedule listed below. If you have any questions, please contact the ARB Administrator at: _____.

VIOLATION	FINE
<input type="checkbox"/> Job site debris on site	\$100.00
<input type="checkbox"/> Job site debris on adjacent property	\$100.00
<input type="checkbox"/> No commercial trash enclosure	\$100.00
<input type="checkbox"/> No gravel drive	\$100.00
<input type="checkbox"/> Dirt/gravel in road	\$100.00
<input type="checkbox"/> Materials in right-of-way or road	\$100.00
<input type="checkbox"/> Construction equipment or material on adjacent lot	\$100.00
<input type="checkbox"/> Parking violation	\$100.00
<input type="checkbox"/> Unapproved trailer/dumpster	\$100.00
<input type="checkbox"/> No port-a-john on site	\$100.00
<input type="checkbox"/> Construction sign damaged, missing	\$100.00
<input type="checkbox"/> Unauthorized sign	\$100.00
<input type="checkbox"/> Unauthorized burning	\$200.00
<input type="checkbox"/> Unauthorized clearing of lot	\$5,000.00

<input type="checkbox"/>	Unauthorized removal of tress	\$1,000.00
<input type="checkbox"/>	Unauthorized revisions / improvements	\$500.00
<input type="checkbox"/>	General nuisance / misconduct / working outside of authorized times	\$500.00
<input type="checkbox"/>	Traveling in excess of posted speed limit	\$100.00
<input type="checkbox"/>	Erosion into drainage facility	\$500.00
<input type="checkbox"/>	Silt fencing uninstalled / damaged	\$200.00
<input type="checkbox"/>	Tree fencing uninstalled / damaged	\$200.00
<input type="checkbox"/>	Improper routing of drainage	\$250.00
<input type="checkbox"/>	Damaged tree: 6" caliper or greater	\$200.00
<input type="checkbox"/>	Unauthorized exterior finishes (e.g. paint, stain, roofing materials, or design)	Forfeit Deposit

*Above listed fines are the maximum levied for first time violations, they are doubled for future/repeat violations. Initial fines may be reduced or waived at the discretion of the ARB upon correction of the violation.

** If it becomes necessary for the Developer to schedule maintenance/repairs on a job site, the Contractor will also be held responsible for the cost of said actions.

24.0 APPENDIX A

CHIMNEY OAKS

Appendix A:

Setback Requirements & Minimum Building Square Footage

The Reserve

One Story Ground Area (Sq. Ft.)	Multi Story Ground Area (Sq. Ft.)	Multi Story Minimum Sq. Ft.	Rear	Golf	Front	Side
2,500	1,800	3,000	40'	50'	50'	15'

The Preserve, Parkside, & Creekside

One Story Ground Area (Sq. Ft.)	Multi Story Ground Area (Sq. Ft.)	Multi Story Minimum Sq. Ft.	Rear	Golf	Front	Side
2,500	2,000	3,000	15'	50'	15'	10'

The Overlook & Club Cottages

One Story Ground Area (Sq. Ft.)	Multi Story Ground Area (Sq. Ft.)	Multi Story Minimum Sq. Ft.	Rear	Golf	Front	Side
1,600	1,200	2,000	15'	50'	15'	10'

APPLICATION FOR CONSTRUCTION

DATE: _____ HOMESITE (SECTION/LOT): _____

TYPE OF CONSTRUCTION: NEW CONSTRUCTION
 RENOVATION/ADDITION

PROPERTY OWNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

CONTRACTOR: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

LICENSE#: _____

ARCHITECT / DESIGNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

APPLICATION CHECKLIST: Construction documents, material samples, construction deposit, and review fee must be received and approved by the ARB prior to receiving final approval for revisions.

CONSTRUCTION DOCUMENTS: Two sets of construction documents must be submitted to the ARB for review. Refer to Design Guidelines for specific requirements for each document. (NOTE: Landscape plans are at time of dry-in.)

Site Plan

Building Elevations

Floor Plan

MATERIAL SAMPLES:

One set of material samples must be submitted to the ARB for review.

Foundation:

Material:

Color (include sample):

Mortar Color (if applicable):

Walls:

Material:

Color (include sample):

Trim:

Material:

Color (include sample):

Roof:

Material:

Color (include sample):

Soffits/Fascia:

Material:

Color (include sample):

Windows:

Type:

Manufacturer's Number (include cut sheet):

Color (include sample):

Front Door:

Type:

Manufacturer's Number (include cut sheet):

Color (include sample):

Garage Doors:

Type:

Manufacturer's Number (include cut sheet):

Color (include sample):

Decks and Railings:

Materials (submit detail):

Color (include sample):

Patios/Terraces:

Materials (submit detail):

Color (include sample):

Retaining Walls:

Materials (submit detail):

Color (include sample):

Gables/Dormers:

Materials (submit detail):

Color (include sample):

Service Area Screen Wall:

Materials (submit detail):

Color (include sample):

Driveway:

Materials (submit detail):

Color (include sample):

Exterior Lights:

(Submit cut sheet)

APPLICATION FEES

Make all Checks payable to Chimney Oaks Residential Owners Association, Inc.

Review Fee (\$500)

Date Received: _____

Unscheduled Review Fee (\$150)

Received By: _____

Revision Review Fee (\$300)

Check #: _____

Construction Deposit (\$1000)

Date Received: _____

Received By: _____

Check #: _____

Area Calculations:

Heated Square Footage: _____

Total Lot Area: _____

AGREEMENT

We further acknowledge and understand that:

1. We have read and understand the Declaration of Covenants, Conditions & Restrictions for Chimney Oaks ("Declaration") and Design Guidelines and will follow and obey said Declaration and Design Guidelines.
2. ***We declare that use of the plans submitted does not violate any copyright associated with the plans. Neither the submission of the plans to the ARB, nor the distribution and review of the plans by the ARB shall be construed as publication in violation of the designer's copyright, if any. We agree to hold the members of the ARB, the Chimney Oaks Residential Owners Association, Inc. ("Association"), and the Declarant harmless and shall indemnify said parties against any and all damages, liabilities, and expenses incurred in connection with the review process of this Declaration.***
3. We are responsible for completing this project as described by the drawings and specifications approved by the Board of Directors ("Board") of the Association.
4. We will maintain a clean construction site at all times and install a job sign, commercial dumpster or trash enclosure, and a port-a-john in conformance with ARB Design Guidelines.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while they are engaged by us.
6. The builder and/or property owner are responsible for applying for all utilities (including, but not limited to, electricity, water, and natural gas) immediately upon receiving approval for construction. Chimney Oaks will not be held responsible for construction delays due to the builder's/owner's failure to apply for utilities in a timely manner. Furthermore, Chimney Oaks will not be held liable for the failure of any utility to provide their services to the builder/owner in a timely manner.

Property Owner's Signature

Date

Contractor's Signature

Date

APPLICATION FOR REVISIONS TO EXTERIOR

DATE: _____ HOMESITE (SECTION/LOT): _____

TYPE OF CONSTRUCTION: EXTERIOR COLOR / MATERIAL CHANGE
 ARCHITECTURAL RENOVATION / ADDITION
 LANDSCAPE RENOVATION / ADDITION

PROPERTY OWNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

CONTRACTOR: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

LICENSE#: _____

ARCHITECT / DESIGNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

APPLICATION CHECKLIST: Construction documents, and material samples must be received and approved by the ARB prior to receiving final approval for revisions.

CONSTRUCTION DOCUMENTS: A complete set on construction documents must be submitted to the ARB for review. All exterior modifications to elevations, impervious surface coverage, landscape, and floor plans, etc. must be documented and added to the Lot record on file with the ARB.

Site Plan

Building Elevations

Floor Plan

Additional Square Footage, if any:

Enclosed: _____

Heated: _____

Impervious Surface: _____

Adjusted total for Lot record: _____

MATERIAL SAMPLES:

One set of material samples must be submitted to the ARB for review.

Color Change:

Existing: (Color Name, Designation #, Manufacturer)

Proposed: (Color Name, Designation #, Manufacturer)

Material Change:

Existing: (Type, Color, Manufacturer)

Proposed: (include sample):

Detailed description of change/addition:

(Include size, height, location, etc.)

Estimated Date of Construction

Estimated Date of Completion

Homeowner or Authorized Agent Signature

Date

VARIANCE APPLICATION

DATE: _____ HOMESITE (SECTION/LOT): _____

TYPE OF CONSTRUCTION: NEW CONSTRUCTION
 RENOVATION/ADDITION

PROPERTY OWNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____ FAX: _____

EMAIL ADDRESS: _____

The Architectural Review Board (“ARB”) decides whether a variance is to be granted or denied based on the requirements set out in the Architectural and Site Design Guidelines and careful consideration of the merits of the individual request.

The Owner hereby makes application to the ARB and the Board of Directors of Chimney Oaks Residential Property Owners Association, Inc. for the following variance:

- _____ ft. _____ % variance to Side Yard Setback; adjacent to Lot # _____
- _____ ft. _____ % variance to Front Yard Setback
- _____ ft. _____ % variance to Rear Yard Setback
- _____ ft. _____ % variance to Golf Course Setback
- _____ ft. _____ % variance to Conservation Area Setback

Note: for any variance, include description of encroaching structures, number of feet in existing setback, and amount of intrusion expressed both in feet and inches or feet to tenths and as a percentage of existing setback.

The reasons for the request are:

The impacts of the request on the neighbors and/or development are:

Affected Contiguous Properties/Owners:

Estimated Date of Construction: _____

Estimated Date of Completion: _____

Property Owner or Authorized Agent Signature

Date

DESIGN REVIEW CHECKLIST

EXISTING CONDITIONS (minimum scale 1" = 20')

Must include the following information:

- Owner's name
- Designer's name
- North Arrow and scale
- Property lines with dimensions and bearings
- Setback lines
- Wetland lines (if applicable)
- Easement lines
- Existing two-foot contour lines
- Existing trees 6" and greater in caliper
- Adjacent street names
- Existing Utility structures
- Outline of exterior walls, decks, and driveways on adjacent lots (if applicable)

SITE PLAN (minimum scale 1" = 20')

Must include the following information (may be added to the existing conditions map):

- Proposed location of home
- Dimensions from corner of foundation to adjacent property line
- Proposed driveway and walks (indicate width and materials to be used)
- Proposed fences
- Proposed retaining walls (indicate wall material, top of wall and bottom of wall elevation)
- Proposed pool or spa location
- Location/materials/finish of all outdoor living spaces (patios, decks, and terraces)
- Proposed accessory structures (play structure, basketball goal, out building, trellis, etc.)
- Finish Floor Elevation (FFE) of first floor and garage
- Proposed two-foot contour lines
- Proposed spot elevations on corners of driveway and walk (with flow arrows showing drainage)
- Drain locations, sizes, flow direction, and invert elevation
- Location of all silt fencing and any erosion control structures

ARCHITECTURAL PLANS (minimum scale of 1/4" = 1')

FLOOR PLANS

- Interior rooms dimensioned and named
- All window and door openings shown
- Roof overhang with a dashed line
- Total square footage of structure
- Heated square footage of structure (as defined in Section 6.01)

BUILDING ELEVATIONS

- All elevations labeled so they correspond with site plan
- Finish grade line shown against house
- Brick courses shown
- All materials and finishes called out
- Fascia, trim, and handrail details
- All decks and terraces shown

LANDSCAPE PLANS (minimum scale of 1" = 20')

- Owner's Name
- Designer's name, address, telephone, and email address
- North arrow and scale
- Property lines with dimensions and bearings
- Location of all existing trees over 6" in diameter
- Identify Trees to be removed
- Location of all structures (including decks, trellises, fences, gazebos, etc.), pavement, and utilities
- Location of all lawn areas and shrub bed lines
- Location of all proposed plant material
- Plant list with quantities, botanical names, common names, sizes, and specifications
- Additional drainage requirements not indicated on the submitted site plan
- See Section 5.01 for drainage plan requirements
- Location and specifications of all exterior lighting fixtures
- Total area of lawn in square feet
- Total area of lawn as percentage of site
- As a minimum, the following landscaping will be required for all homes:***
 - Two or more 3-inch caliper street trees. (Street trees shall be installed per the schedule in Section 20.) Street trees shall be equidistant from the center of the front yard, located an equal distance from the road so that the trees are in line
 - Evergreen shrubs (3-gallon minimum, 36-48 inches on center) shall be required in front of the foundation of the home on the front side, except in areas of ingress and egress

- Sod shall be required in front yard area
- Bark mulch or pine straw shall be used in all plant beds and areas without grass, to be maintained in a weed-free condition - rocks or pebbles are not permitted in plant beds
- Side loaded garages shall be screened with shrubs along the property line

MATERIAL SAMPLES

- Siding material (brick or stone sample and mortar colors, if applicable)
- Roofing cut sheet
- Garage door type and color, photo/cut sheet
- Front door type and color, photo/cut sheet
- Window type, photo/cut sheet
- Site lighting, photo/cut sheet
- Driveway samples (materials of then concrete)
- Color samples (color painted on a 2'x 2 'panel if requested)
 - Body color
 - Trim color
 - Dormers/Gables