

CHIMNEY OAKS
RESIDENTIAL OWNERS ASSOCIATION, INC.

ARCHITECTURAL
DESIGN GUIDELINES

REVISED
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CHIMNEY OAKS ARCHITECTURAL DESIGN GUIDELINES

1. INTRODUCTION

1.01 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 (“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. Throughout the course of the Development, we may review and revise these Design Guidelines as necessary to reflect changing conditions.

1.02 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.

1.03 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

2.01 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.

2.02 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.

2.03 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. Enforcing the Design Guidelines as described in the Covenants.
3. Approving all modifications to existing lots and structures, including but not limited to walls, fences, exterior painting, material replacements, window tinting, renovations, additions, play structures, and landscaping.

2.04 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.

2.05 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 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 the Declaration.

2.06 Amending the Design Guidelines

As the development grows, it may become necessary to amend the Design Guidelines. The Declarant has the right to unilaterally revise, update, and/or amend the design guidelines at any time until one hundred percent of the Lots have been developed and conveyed to purchasers in the normal course of development (“Buildout”). After Buildout, suggested amendments to the guidelines may be discussed during the administrative portion of a scheduled ARB meeting. The ARB shall agree upon what is to be amended and the exact wording of the proposed amendment. After Buildout, 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

Owners shall submit all ARB requests through the Association’s online portal. The ARB will review requests as they are submitted. Submission requirements are outlined in Article IX of the Declaration and Section 5 of these Design Guidelines. Incomplete submissions will not be reviewed.

The ARB, at its discretion, may meet virtually and may also discuss and approve requests electronically via email or other electronic means prior to or in lieu of a scheduled ARB meeting.

The ARB reviews requests for design and technical issues as set forth in the Design Guidelines, and may approve, approve with conditions, or reject the request. No Owner may present a request with the intention of commencing construction or installation prior to a subsequent approval.

3.02 Approval

Approval, if granted, will be issued in writing after the ARB approves the request. Approval by the ARB shall in no way relieve the Owner of responsibility and liability for the adherence to any applicable ordinances and codes.

3.03 Conditions of Approval / Rejection of Plans

Requests 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. The ARB may also conditionally approve requests. A request that is approved conditionally will have specific conditions or additional requirements that must be adhered to in order for the approval of the request to be valid. The ARB may, at its sole discretion, grant Approval without imposing requirements/conditions on the request.

3.04 Design Review Fees

Design review fees will be established by the ARB. The purpose of these fees is to cover all expenses related to the processing of applications for construction. The Board reserves the right to change or waive these fees from time to time without prior notice. The design review fee must be received before the submission is considered complete in order for the ARB to consider the request. Submissions received without the design review fee will be considered incomplete and returned to the Owner.

3.05 Appeals

If a request is denied or conditions are unacceptable to the Owner, the Owner may appeal the decision and resubmit the proposal for Board consideration.

3.06 Completion

Upon completion, all structures, landscaping, and drainage must be inspected for compliance with the approved request.

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 of the request. 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 nine months 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 Owner 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 one year after the date of the approval, it shall be deemed to have expired unless Owner, prior to such expiration date, has requested and received an extension in writing from the ARB.

4.02 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.

4.03 Erosion Control

An erosion control plan is mandatory for all construction of dwellings, accessory buildings, and major landscaping changes, such as the installation of an in-ground pool and must meet the requirements of the most current edition of the Manual for Erosion and Sediment Control in Georgia.

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.

4.04 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. 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.
4. All wrapping and packaging materials and food containers must be placed in a covered/enclosed trash receptacle.
5. Discarded construction materials and debris must be removed daily or contained within a sufficient enclosure.
6. 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.
7. 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 charged to the Owner.

4.05 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 may make periodic inspections during the construction period. The Owner will be notified in writing of any items and exceptions noted in the inspection report and all such items and exceptions must be completed within the time frame set forth in the inspection report.

4.06 Conduct of Workers

Contractors shall be allowed to work from during daylight hours 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. Construction parking on any internal street is limited to trade vehicles and deliveries only. 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.

Any contractor who is in violation of these regulations will be fined in accordance with the Fine Schedule.

4.07 Revisions and Changes

All revisions and changes made after approval 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 or deny the request in writing. Failure to obtain written approval for any revision during construction may result in fines.

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

4.08 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

The following submission requirements must be met prior to ARB consideration.

1. Existing Conditions & Site Plan (min scale 1" = 20'). (May be submitted as one document or drawing or as separate documents or drawings.) Must include the following information:

- A. Owner's name
- B. North arrow and scale
- C. Property lines with dimensions
- D. Setback lines
- E. Existing trees 6" and greater in caliper
- F. Adjacent street names
- G. Existing utility structures
- H. Outline of exterior walls, decks, and driveways on adjacent lots
- I. Proposed location of new structure, addition, or installation
- J. Dimensions from corner of foundation to adjacent property line
- K. Materials and finishes (include paint color samples)

2. Landscape Plans (min scale of 1" = 20')

- A. Owner's name
- B. North arrow and scale
- C. Property lines with dimensions and bearings
- D. Location of all existing trees over 6" in diameter
- E. Identify trees to be removed
- F. Location of all structures (including decks, trellises, fences, gazebos, etc.), pavement, and utilities
- G. Location of all lawn areas and shrub bed lines
- H. Location of all proposed plant material
- I. Plant list with quantities, botanical names, common names, sizes, and specifications
- J. Additional drainage requirements not indicated on the submitted site plan (see Section 4.05 for drainage plan requirements)
- K. Location and specifications of all exterior lighting fixtures

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 Building Setback Requirements

Building setback requirements are as stated on the recorded plats and in the Planned Community Development Plan for Chimney Oaks zoning ordinance for the Town of Homer.

6.03 Garages / 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 face the street. 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. Except within the townhome sections, all garages must be at least two-car garages.

6.04 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.

6.05 Doors

Exterior doors shall be appropriate to the architectural theme of the home. 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.

6.06 Windows

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

6.07 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.

6.08 Awnings

Awnings and canopies shall not be affixed to the exterior of the residence without written ARB approval.

6.09 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.

6.10 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. The Board and the ARB reserve the sole right to determine what is tasteful and appropriate for the Community.

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

6.11 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.

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 allowed.

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 either 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. 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 Clotheslines

There shall be no outdoor clothesline on any Lot.

8.08 Pet Enclosures / Houses

Pet enclosures such as dog 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. Birdhouses are allowed as long as they are not placed in the side or street side yard.

8.09 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 may be 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.

8.10 Mailboxes

Mailboxes are restricted to the type and style approved by the ARB. All mailboxes must be Imperial Mailbox Systems' Standard Box, C2 Post, Base 6, Finial 1, Plate 1 with 2" Numbers. Mailboxes can be ordered through SEI Group - call 770-840-7625 or email locks@seigroupga.com. No mailbox covers or decorative flags are allowed. Only approved mailboxes, posts, and address plaques are allowed. 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. FINE SCHEDULE

The following is a Schedule of Fines for violations of the established Design Guidelines.

Before a fine is levied, a notice of violation will be sent to the responsible party. If the violation is not corrected within the time required in the notice of violation, the fine will be levied. Fines may be disputed with the ARB within 15 days of issuance.

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

* 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.