

GRASSY CREEK

APRIL 2000

ARCHITECTURAL
CONTROL
GUIDELINES

An Architectural Review Board (ARB) is provided for in section 12 of the Declaration of Covenants and restrictions for Grassy Creek. This section also states that the ARB shall consist of three or more members appointed by the Board of Directors. Section 12 further states as follows:

12. (b) Purposes: The Architectural Review Board shall regulate the external design, appearance, use and location of improvements on the Real Estate in such manner as to preserve and enhance values and to maintain harmonious relationship among structures, improvements and the natural vegetation and topography.

12. (c) Conditions: No improvements, alterations, repairs, excavation, changes in grade or other work which in any way alters the exterior of any Lot or the improvements located thereon from its natural or improved state existing on the date such Lot was first conveyed in fee by the Declarant to an Owner shall be made or done without the prior approval of the Architectural Review Board, except as otherwise expressly provided in this Declaration. No building, fence, wall, dwelling unit, change in the HOA – Landscaping Easement, or other structure shall commenced, erected, maintained, improved, altered, made or done on any Lot without the prior written approval of the Architectural Review Board.

Plans and specifications showing the nature, kind, shape, color, sizes,

materials, and location of modifications, additions, or alterations shall be submitted to the ARB for approval prior to the commencement of a project. The approval process will include the assessment of the quality of workmanship and design and the harmony of external design with existing structures and the location in relation to surrounding topography and finish grade elevation.

An owner has the right to remodel the interior of his dwelling, or to paint the interior of his dwelling any color desired; provided, modifications or alterations to the interior of screened porches, patios and similar portions of a dwelling visible from outside the dwelling shall be subject to ARB approval.

The approval of any plans or proposals by the Board or the ARB does not mean that the Board or the ARB will approve any similar plans or proposals subsequently submitted.

Notwithstanding the above, the following Guidelines are provided to assist the homeowner in preparing requests to the ARB.

GRASSY CREEK GUIDELINES

I. FENCE REQUIREMENTS: The following types of fences will generally be approved by the Architectural Control Committee (ACC):

- A) board on board
- B) cape code
- C) picket
- D) wrought iron
- E) split rail

The following will generally not be approved by the ACC

- A) plain or vinyl clad link fence.
- B) stockade style fence.
- C) Any metal fencing material, other than wrought iron will generally be denied.

ALL fences must be approved by the ACC prior to the fence installation. The ACC reserves the right to inspect the fence at anytime before, during or after construction to ensure compliance with the approved fence plan.

FENCE LOCATIONS: All fencing must be approved for location, design and materials prior to installation. The following are guidelines regarding fencing locations which generally will be approved by the ACC.

- A) No fencing will be allowed in the front set back line of the house. For corner lots, this includes the side yard facing the side street of the residence.
- B) Fencing of the rear yard and side yard set back easements will be discouraged by the ACC. If fencing is approved in an easement, the lot owner shall have sole responsibility for removal and reinstallation if the easement is used.
- C) Fencing on the big lake will be limited to a height of 48", from the existing grade, except that a wrought iron fence of up to 60" in height will be permitted around a swimming pool. Any input from the lake owners association will be considered.

FENCING, APPROVED CONSTRUCTION TECHNIQUES: All fencing shall be constructed of quality materials. All fencing shall be properly braced with all posts either concreted into ground or placed at a depth whereby the fence will be secure and will not move.

FENCING, BRACING: All fence bracing or ribbing shall be on the inside of the fence unless otherwise approved by the ACC.

FENCING, MAINTENANCE: All fences must be maintained in a reasonable fashion. Any warped boards shall be promptly replaced. Any painted fences shall be maintained whereby the fence always has an attractive appearance. Any notice from the ACC of a homeowner's failure to properly maintain a fence shall be corrected within 15 days of receipt of the notice. If the violation is not timely corrected, the ACC through the HOA, retains the right to correct the violation and bill the homeowner for the applicable costs pursuant to the terms and conditions of the Grassy Creek Declaration.

INVISIBLE FENCING: Generally, requested for invisible fencing will be approved subject to ACC approval of the proposed fence location prior to installation. All controller boxes, etc., shall be hidden from view and the wire line must be re-seeded

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2. DOG KENNELS AND HOUSES: All kennels and dog houses must be approved for location and materials by the ACC prior to construction. Chain link (vinyl or painted) will be allowed as long as the kennel is properly screened, as approved by the ACC prior to the commencement of construction. Dog kennel and houses should be placed in a location whereby they are not unsightly, unsanitary or nuisances to surrounding homeowners. Each kennel must be screened with either fencing or trees as approved by the ACC depending on the individual request. All dog houses must be constructed of quality materials with neutral colors, siding and trim painted to match the primary colors of the residence of the applicant.

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3. MINIBARNS AND ACCESSORY STRUCTURES: Requests for the approval of minibarns and detached accessory structures (except for dog kennels) generally will be denied. Any other accessory structure must be approved by the ACC prior to the construction and must be appropriately screened from view.

4. DECKS: Generally, requests for decks will be approved subject to the following requirements:

- A) The deck shall be constructed with quality materials.
- B) Railing on the deck shall not exceed four feet (4').
- C) Final configuration of the deck must be approved prior to the commencement of construction.

5. PORCHES, SCREENED IN PORCHES, ROOM AND GARAGE ADDITIONS:

Generally, requests for screened in porches and room additions will be approved subject to the following guidelines:

- A) The additions shall be constructed with quality materials.
- B) The roof line shall follow the natural roof line of the home, or be approved by the ACC.
- C) The roof, siding, and trim shall match the colors of the primary residence.
- D) All detailed construction plans must be approved prior to the commencement of construction.

6. GAZEBOS: Generally, gazebos will be approved subject to the following guidelines:

- A) The gazebo shall be built with quality materials.
- B) Design and placement of the gazebo must be approved by the ACC.
- C) Height of the structure shall not exceed 15 feet (15').

7. PLAY HOUSES:

Play houses shall not exceed eight feet (8') to the top of the roof line and the location shall be approved by the ACC. All play houses are subject to the following guidelines:

- A) The structure shall be constructed with quality materials.
- B) The roof colors shall match the colors of the primary residence.
- C) No metal structures will be approved.
- D) All detailed construction plans must be approved prior to commencement of construction. Size shall not exceed forty eight (48) square feet without ACC approval.

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8. PLAYGROUNDS: All requests for playground structures must be approved by the ACC prior to installation. Generally, requests for playgrounds will be approved subject to the following guidelines:

- A) Approved location.
- B) Construction with quality materials.
- C) Height not to exceed thirteen feet (13') unless specifically approved by the ACC.

9. SWIMMING POOLS: Only requests for in-ground pools will be approved by the ACC. A detailed development plan must be provided to the Developer prior to the commencement of construction. NO alteration to the existing grade may be done without the approval of the ACC. Any proposed grade changes must be shown on the proposed plans.

HOT TUB/POOL FENCING: The following types of fencing will be acceptable around a pool area:

- A) Board on Board
- B) Cape Cod
- C) Picket
- D) Wrought Iron

POOL HOUSES: Requests for pool houses with changing areas and storage sheds/minibarns will generally be rejected. Pool equipment storage areas generally will be approved as long as the structure is solely used for the storage of chemicals, pumps, heaters and other pool related maintenance supplies. This structure shall not exceed eight feet (8') to the top of the roof line and shall be located directly behind the primary residence. All structures are subject to the following guidelines:

- A) The structure shall be constructed with quality materials
- B) The roof colors shall match the color of the primary residence.
- C) No metal structures will be approved.
- D) All detailed construction plans must be approved prior to the commencement of construction. Size shall not exceed thirty two (32) square feet without ACC approval.

10. BASKETBALL GOALS/COURTS: Generally, requests for the installation of basketball courts will be approved subject to the following guidelines:

BASKETBALL COURTS:

- A) Basketball courts are preferred within the owner's driveway. Driveway basketball courts must be a concrete surface. Backyard basketball courts will only be permitted when the driveway will not accommodate a level playing surface and must be approved by the ACC in advance. No courts will be permitted in the public streets or cul-de-sacs.
- B) Backyard courts must be hard surfaced and will not be approved in excess of 25 feet by 25 feet.
- C) Generally, no lighting will be permitted.

BASKETBALL GOALS:

- A) The backboard shall be made of CLEAR Plexiglas or acrylic. Graphite is permitted only on portable 30" height or less backboards.
- B) No wooden backboards will be approved.
- C) Location: Final location of the basketball goal shall be approved by the ACC prior to installation. No basketball board or rim may be attached to the primary residence. Generally, basketball goals will be approved if they are located adjacent to driveways. All basketball goal logos shall be approved as part of the initial application.

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11. ANTENNAE: TV, RADIO AND SATELLITE: Generally, requests for the attachment of television or other antenna towers to the exterior of a home, or the installation or placement of satellite dishes greater than (1) meter will be denied. Free standing antennae will also be generally denied. TV Antennae may not exceed five feet (5') above the roof line, shall not be wider than two feet (2') at any point, and must be approved in advance. Owners are encouraged to have antennae only inside the attics of residences. The location of (1) meter satellite dishes must be approved by the ACC prior to installation.

12. LAWN ORNAMENTS: All lawn ornaments and other items added to the lot beyond the primary residence are subject to approval of the ACC. Ornamental items will be evaluated for size, appearance, and number. Generally, ornamental bird baths will be approved as long as they do not exceed three feet (3') in height. Generally, concrete lawn ornaments which exceed two feet (2') in height, such as deer and other statuary, will not be approved by the ACC.

13. LANDSCAPE DESIGNS & PLANTING BEDS: Landscape designs and planting beds are subject to review of the ACC. Landscape designs need not be professionally drafted and may, after approval, be constructed in phases. The ACC reserves the right to deny any request based upon lack of conformity to the established aesthetics of the neighborhood.

Where the planting beds (1) do not exceed forty percent (40%) of the front yard and forty percent (40%) of the back yard; (2) do not include any fountains, lighting, or statuary; and (3) conform to the established aesthetics of the neighborhood, ACC approval shall not be required.

Dead shrubbery and trees must be removed.

Individual tree plantings, and plantings within approved planting beds are not subject to ACC approval.

14. SODDING AND TREES: All front and side yards to back edge of house must be sodded. On all corner lots, both areas adjacent to roadway shall be treated as front yards and shall be subject to sodding requirements and fencing limitations.

TREES: Minimum tree and planting bed requirements shall be established by the ACC on a section by section basis.

15. SIGNAGE: All signage is subject to local and state regulations. The Declarant and its builders reserve certain signage rights as outlined in the Plat Covenants and the Declaration. All signage, except that of the Developer and approved builders, is subject to the approval of the ACC.

No signage shall be located in such a place whereby it restricts or obstructs traffic visibility. No identification signage will be allowed within the right-of-way of a dedicated public street or in any area not specifically approved by the ACC.

TEMPORARY SIGNAGE: All temporary signage is subject to ACC approval. After the initial sale of a residence (by the builder), only one "For Sale" sign shall be allowed in the front yard of a primary residence. Prior to the initial sale, a builder and Realtor sign will be allowed, subject to ACC approval of placement, size and colors utilized.

Garage or yard sale signs will be permitted within the following guidelines: No owner may advertise more than one sale per year and no sale may last longer than two days. One sign may be displayed on the owner's lot and one additional sign may be displayed in the entryway, so long as it contains the address of the property, the date and time of the sale and is not displayed more than 48 hours prior to the sale or more than 2 hours after the conclusion of the sale.

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PROHIBITED SIGNAGE:

- A) Signs advertising goods, services or home occupations.
- B) Flashing or blinking signs.
- C) During development, no entranceway signage shall be allowed except by the Declarant and its designated builders. This specifically addresses yard or garage sales and for sale by owners.

16. LIGHTS AND MAILBOXES: The developer shall establish a standard mailbox and yard or coach light for each section. The cost of each shall be the responsibility of the builder or the owner of the home. The homeowner shall be responsible to keep each in good repair and shall not alter either without ACC approval. The title owner at all times shall keep the dusk to dawn lighting in good repair with working light bulbs.

All additional exterior lighting is subject to ACC approval prior to installation.

17. EXTERIOR PAINTING: Subdued, earthen tone or white colors, which are in conformity with other house colors in Grassy Creek, do not need to be submitted to the ACC for approval. No change of any exterior color (base or trim) to a bold, bright color, or any color not already in general use within Grassy Creek shall be made without the consent of the ACC. The ACC reserves the right to restrict the colors which are utilized in repainting any exterior.

18. FLAG POLES: Generally, requests for flag poles will be approved subject to the pole being made of quality materials firmly secured into the ground and not exceeding twenty feet (20') in height.

19. BIRD HOUSES: Generally, requests for bird houses will be approved subject to the following criteria:

- A) All pole mounted bird houses shall be located in the rear of a residence secured firmly into the ground in an approved location.
- B) Quality materials shall be utilized in the construction of the bird house.
- C) The installation or hanging of more than three bird houses or feeders must be approved by the ACC.

20. BUG ZAPPERS: Generally, requests for electric bug zappers will be approved subject to approval of location. Bug Zappers must be turned off no later than 10:00p.m.

21. DRAINAGE: No above ground or exposed pipes or tubing will be permitted. No open drainage, whether from sewage, storm water or sump pumps, will be permitted into the front of any yard. No sump pumps will discharge into the front of any yard. Where available, sump pumps are encouraged to drain directly into a storm sewer. Lake lots are encouraged to drain storm water directly into the lake. No above ground or exposed pipes are permitted more than four feet (4') from the base of a house.

22. RETAINING WALLS: Any retaining wall or sea wall must be approved by the ACC before installation. Retaining walls which divert ground water onto adjoining properties or which otherwise substantially change the existing drainage pattern will not be approved.

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23. OTHER: Any alteration or improvement made to a lot within the community is subject to ACC approval prior to its commencement. All questions should be directed in writing to the ACC at the previously stated address.

24. NON-INVALIDITY OF ACC GUIDELINES: No Declaration of a court of competent jurisdiction of the invalidity of any regulation or part of a regulation contained in these guidelines shall invalidate any other portion of these guidelines.

25. CONFLICT: Any conflict or ambiguity arising from the application of the requirements of these guidelines and the requirements of the Declaration of the Covenants conditions and restrictions shall be resolved in favor of the application of the Declaration of Covenants conditions and restrictions.

26. FIREWOOD: Firewood shall not be stored on the front side of any house, including, but not limited to the following areas; driveways, front porches, and front yards.

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3. MNIBARNS AND ACCESORY STRUCTURES: Requests for the approval of minibarns and detached accessory structures (except for dog kennels) generally will be *approved subject to the following conditions*. Any accessory structure must be approved by the ACC prior to the construction and must be appropriately screened from view.

a) **APPROVAL:**

Plans for each minibarn and accessory structure must be submitted to and formally approved by the ACC prior to the commencement of construction.

b) **LOCATION:**

The location of the minibarn or accessory structure must be included in the plans that are submitted to the ACC and should generally be behind the back baseline of the main structure (house) on the lot. Furthermore, the location of the minibarn or accessory structure should be in compliance with the Declarations of Covenants and Restrictions with regard to its location in relation to the lot's easements and property lines.

c) **NUMBER OF STRUCTURES:**

Each lot shall not have more than one structure (e.g. minibarn, shed, and pool house) for the explicit purpose of storage. This does not apply to dog kennels, dog houses and play houses which are addressed elsewhere in the guidelines.

d) **DESIGN:**

The architecture of the minibarn or accessory structure should, as much as possible, match that of the residential structure on the lot. This includes things such as matching the siding material and color to the residence as well as matching the color of the roofing shingles. Other design features of the residence such as trim and roof slope should be considered and used. Metal siding should not be used other than to match aluminum siding of the residence. Gable style roofs only will be approved. No hip roofs or gambrel (barn style) roofs will be approved.

e) **DIMENSIONS:**

The minibarn or accessory structure should be at minimum at least 8 feet in length by 8 feet wide by 8 feet tall at the peak.

The minibarn or accessory structure should be at maximum no more than 12 feet in length by 12 feet wide by 11 feet tall at the peak.

f) **MATERIALS:**

The minibarn or accessory structure should be constructed using the best quality material possible. Generally this will mean treated or cedar timbers and a finished exterior that will weather well. Examples of exterior material that will not weather well are pressed wood or particle board.

g) **CHANGES AND OTHER STRUCTURES:**

Once constructed, any architectural changes to the approved minibarn or accessory structure must be resubmitted to the ACC for approval prior to construction. Additions such as lean-to, carport, or containment structures designed to hold trashcans or yard tools will be denied.

h) **MAINTENTANCE:**

The minibarn or accessory structure, once constructed, must be maintained with the same diligence that is expected to be used with regard to the primary residence. Damaged structures, and structures that have need for repair or cosmetic improvement, should be repaired and maintained within a reasonable time. Homeowners who fail to maintain a minibarn or other accessory structures are subject to the same penalties and fees assessed by the HOA in other matters of maintenance. In some cases, this can include removal of the structure from the property by court order at the homeowner's expense.