

TimberCreek Residential Design Guidelines

TimberCreek

Residential Golf Community

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Design Guidelines:

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SECTION ONE

INTRODUCTION

TIMBERCREEK RESIDENTIAL DESIGN GUIDELINES

This book is intended to serve as a special reference for the design and modification for TimberCreek. In order for the community to reach its full potential, the enthusiastic participation of individual homeowners is essential.

These guidelines have been created to introduce you to the future development and to acquaint you with the role property owners will play. A diligent effort has been made to communicate information that should be both interesting and useful to property owners and designers. The contents will save hours of research and, consequently, substantial expense in the design and/or modification of your home.

The concept of TimberCreek is unique. Accordingly, these guidelines will help you understand and appreciate the attention to special detail that will make TimberCreek residences so individual and yet compatible.

SECTION TWO

PLAN REVIEW AND APPROVAL PROCESS

TimberCreek has established an Architectural Review Board to review plans and approve all improvements to undeveloped and developed property in TimberCreek. The review process is for three primary reasons: (1) To assure quality control, (2) To provide for the community's organized development, and (3) To maintain environmental safeguards.

The review and approval process involves the following:

- ARCHITECTURAL REVIEW BOARD
- TRANSFER OF OWNERSHIP/PROCESSING FEE
- HOME BUILDER APPROVAL REQUIREMENTS FOR NEW CONSTRUCTION
- FUTURE IMPROVEMENT REVIEW TO ENSURE ADHERENCE TO THE COVENANTS AND RESTRICTIONS
- APPLICATION FORMAT
- APPLICATION FEES FOR NEW CONSTRUCTION
- SITE EVALUATION
- APPROVAL PROCESS CHECKLIST
- REQUIRED CONSTRUCTION DOCUMENTS AND SPECIFICATIONS
- CONSTRUCTION LAYOUT SURVEY REQUIREMENTS
- APPROVAL OF MINOR CHANGES
- EFFECT OF APPROVAL
- REASONS FOR DISAPPROVAL
- DAMAGE CONSTRUCTION

ARCHITECTURAL REVIEW BOARD

The Architectural Review Board has been established to provide for standard review and promotion of quality design in keeping with the special qualities and conditions of TimberCreek.

All property owners are bound by the General Covenants. These covenants provide for the preservation of the natural beauty of the property and its setting, maintenance of a pleasant and desirable environment, and establishment and preservation of a harmonious design for the community.

The Covenants provide that no building, fence, swimming pool, garage, addition, paving material, water feature or any other said activity of any nature is erected, placed, or altered on any lot until the proposed plans, specifications, exterior color and finish, site plan, building height, landscape plan, construction schedule, etc. have been approved in writing by the Architectural Review Board.

The Property Owners' Association office is the point of contact for the property owner who plans to build or make an improvement upon their property. Submissions to the Architectural Review Board must be received by the Property Owners' Association office no later than 5:00 p.m. Friday of the week preceding the next scheduled meeting.

All approvals from the Architectural Review Board require the signature of three (3) members of the Architectural Review Board and must be in writing.

TRANSFER OF OWNERSHIP/PROCESSING FEE

As the Architectural Review Board and Association is not always informed of transfers in ownership of unimproved or improved lots in TimberCreek, thereby creating problems in issuing invoices for dues or notices to property owners, **it is the responsibility of the old and new lot owner to provide written notice of ownership to the Association and Architectural Review Board upon selling or purchasing an unimproved or improved TimberCreek lot.** To help defray the costs associated with the Association and Architectural Review Board's need to change accounting information and updating the lot owner database, a transfer fee in the amount of Two Hundred Fifty and no/100 Dollars (\$250.00) is due and payable to the Association upon transfer of ownership of any unimproved or improved lot and it is the responsibility of both the seller and the buyer to make sure that the fee is paid. The Association and Architectural Review Board may, at their discretion, provide written notice to area title companies advising them of this requirement so that the transfer fee can be collected at closing. In the event of non payment of the transfer fee, no new construction, additions or alterations will be approved by the Architectural Review Board until such time as the transfer fee is paid.

Should a home in TimberCreek be rented or leased, the lot owner must notify the POA and must provide the renter's name(s), contact information, and terms of the rental agreement or lease. All rentals must meet the requirements of the TimberCreek Covenants and Guidelines.

HOME BUILDER APPROVAL REQUIREMENTS FOR NEW CONSTRUCTION

All homes under construction in TimberCreek are required to be built by a home builder who has been approved in writing by the Architectural Review Board. To receive this approval, the home builder is required to comply with the following:

1. Submit a copy of his license from the State of Alabama Home Builders Licensure Board.
2. Maintain insurance that will protect him and the Property Owner's Association of TimberCreek, Inc. at limits and coverage specified below. The Property Owner's Association of TimberCreek, Inc. must be listed as an additional insured.

a. General Liability

| | |
|--|-------------|
| Each Occurrence | \$1,000,000 |
| Personal And Advertising Injury | \$1,000,000 |
| Products/Completed Operation Aggregate | \$1,000,000 |

- Coverage to be on an Occurrence Form
- Limits provided "per project"
- Coverage to include:
 - Premises and operations
 - Personal Injury and Advertising Injury
 - Products/Completed Operations
 - Independent Contractors
 - Contractual Liability
 - "XCU" Hazards
 - Broad Form Property Damage
- Products/Completed Operations to remain in effect until completion and acceptance by Property Owner.

b. Workers Compensation and Employers Liability

| | | | |
|-----------|----------------------|---|---------------|
| Part One: | Workers Compensation | Statutory Limits as required by applicable jurisdiction | |
| Part Two: | Employers Liability | \$500,000 | Each Accident |
| | BI by Accident | \$500,000 | Each Employee |
| | BI for Disease | \$500,000 | Policy Limit |

In the event the home builder represents to the TimberCreek Property Owner's Association that it primarily uses the services of subcontractors and does not have the number of employees sufficient to require it to carry workers compensation under the laws of the State of Alabama, the home builder and its individual principals must sign an agreement to defend, indemnify and hold harmless the TimberCreek Property Owner's Association. This agreement can be obtained from the POA office.

The TimberCreek Board of Directors reserves the right to change such requirements as it deems appropriate.

FUTURE IMPROVEMENT REVIEW

No improvements to your property (modifications of any existing building, landscape modifications, addition of fencing, exterior painting, swimming pool, etc.) may be undertaken without prior review and written approval of the Architectural Review Board. A request for review of a proposed improvement or modification must contain the following:

1. A site plan, drawn to scale, showing the proposed location of improvement.
2. Letter of intent including description, measurements, and purpose of improvement.
3. Material and color sample.

APPLICATION FORMAT

The Architectural Review Board meets every other Wednesday throughout the year. Submissions to the Architectural Review Board must be received by the Property Owner's Association office no later than 5:00 p.m. Friday of the week preceding the next scheduled meeting or at such time the ARB may specify.

Each submission must be accompanied by the required information outlined in this section in order to be scheduled for review. When necessary, the property owner, architect, or builder may attend the Architectural Review Board meeting to explain a submission.

APPLICATION FEE FOR NEW CONSTRUCTION

When a property owner or builder submits plans and specifications for architectural review new home construction, that builder or the property owner, on the builder's behalf, shall pay to the TimberCreek Property Owner's Association a Three Hundred and no/100 dollar (\$300.00) fee to defray the costs associated with the Architectural Review Board's review of the plans and specifications. Review is to insure that plan specifications conform with TimberCreek Covenants, Guidelines and phase/lot specifications. Two (2) copies of construction documents are required at this time.

SITE EVALUATION

Properly positioning your home on its lot requires that you understand all of its unique features, including views and topography. The following is a typical list of features to evaluate in designing an overall concept for your home.

1. Preserve the existing major trees and other natural habitats such as low shrubs, especially along the edge of wetlands.
2. Note any drainage swells or ditches that need to have unimpeded flow.
3. Locate your driveway to preserve trees and other natural features.
4. Note the location of the utility corridor in front of your home.

APPROVAL PROCESS CHECKLIST

1. Review the *TimberCreek Residential Design Guidelines* and its Supplements; the *General Covenants*; and the *Covenants and Restrictions* which pertain to the Phase of TimberCreek in which you will be building.
2. Select a design consultant and/or a home builder that meet the requirements set forth by the TimberCreek Architectural Review Board.
3. Site Evaluation (See above)
4. Preliminary Architectural Review and Approval (Optional): Schematic Drawings of the design may be submitted to the Architectural Review Board to obtain their comments prior to finalizing Construction Documents and Specifications.

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REQUIRED CONSTRUCTION DOCUMENTS AND SPECIFICATIONS

Refer to the Covenants and Restrictions issued for the Phase of TimberCreek in which you are building for additional information.

1. Site Plan at 1" = 20' scale with:
 - a. North arrow.
 - b. Property lines with dimensions and bearings.
 - c. Note trees that will remain.
 - d. Dwelling to be indicated as exterior walls with entry, stairs delineated, and roof and deck lines shown and noted.
 - e. Location of HVAC to be noted.
 - f. Location of service yard to be noted.
 - g. Setback limits shown.
 - h. Dwelling accurately located from property lines.
 - i. Location, dimension, and materials for walks and driveways. (To be included with landscape plan submission.)

Note: At the time of Final Submission, the corners of the house must be staked on the lot in the proposed locations. Trees to be kept must be flagged.

2. Floor Plan at 1/4" = 1'0" scale with:
 - a. Room use labeled.
 - b. All windows and doors with swings shown.
 - c. All overhangs of floors or roofs shown as dashed lines.
 - d. All fixtures, cabinets, and appliances shown.
 - e. Dimensions showing the overall limits of plans.
 - f. Ground level plan must indicate foundations, enclosure, driveway location, stairway, garbage, and HVAC enclosures.
3. Exterior Elevations (Front, Rear, Left and Right) at 1/4" = 1'0" scale with:
 - a. Show how building relates to grade level.
 - b. Show location of HVAC and type of screening.
 - c. Indicate overall height from grade to highest ridge of roof.
 - d. Show roof pitches.
 - e. Indicate use and extent of exterior material (roof shingles, brick, stucco, siding, etc.)

4. Foundation Plan at 1/4" = 1'0" scale with:
 - a. Footing details
 - b. Framing details.
5. Additional Plans:
 - a. Schedules - finish, doors, windows, lintels.
 - b. Electrical plans - include exterior lighting.
6. After you have received written approval from the Architectural Review Board of your Construction Documents and Specifications, you are required to submit these documents to the proper government authorities for your final building permit.
7. **Prior to clearing your lot**, you must review *TimberCreek's Residential Design Guidelines, Section 6, Construction Information* and have met the requirements of governmental authorities.

CONSTRUCTION LAYOUT SURVEY REQUIREMENTS

Owners are required to employ a registered surveyor to obtain a complete survey as required after dwelling has been staked on the property and prior to installing footings.

The following items must be included on all surveys:

1. Existing roads, utilities, and other improvements.
2. Location and width of easements and setback lines.
3. Property lines with bearings and distances and locations of concrete corner markers.
4. Existing ditches, streams, drainage ways, and drainage structures.
5. North arrow and standard engineer scale.
6. Title with names of legal owners, date of survey, seal and surveyor's number.

APPROVAL OF MINOR CHANGES

Minor changes of elevations can be approved at the site by an Architectural Review Board representative. Distinction between minor and major changes will be determined by the Board representative.

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EFFECT OF APPROVAL

Final approval from the Architectural Review Board must be dated and in writing. It must be effective for commencement of construction for nine (9) months after the approval. If construction is not commenced within nine (9) months of approval, a new submission for final approval may be required, with an additional submission fee. In the event that approval of such plans is neither granted nor denied within sixty (60) days following receipt by the Architectural Review Board, said request will be deemed not approved without further action of the Board.

REASONS FOR DISAPPROVAL

Plans submitted for review, or any portion thereof, may be disapproved upon any grounds which are consistent with the objectives of the General Covenants and/or the Design Guidelines, including purely aesthetic considerations so long as such grounds are not arbitrary or capricious.

DAMAGE CONSTRUCTION

If a building, either under construction or completed, is damaged so that major reconstruction is required, intention for rebuilding should be communicated within 90 days to the Architectural Review Board. Rebuilding must be performed in conformity with the Architectural Review Board's original approved plan for the building as well as the Architectural Review Guidelines in place at the time of reconstruction. In the event of a discrepancy between the original approved plan and the guidelines in place at the time of reconstruction, the guidelines in place at the time of reconstruction will control.

SECTION THREE

SITE PLANNING, DESIGN AND CONSTRUCTION

A great deal of special care has been taken in the planning of TimberCreek. Included in this section are specific criteria and guidelines which address the following:

- NATURAL LOT RESTRICTIONS
- BUILDING SETBACKS
- SQUARE FOOTAGE REQUIREMENTS
- BUILDING HEIGHT RESTRICTIONS
- OWNER'S ENCLOSED PARKING
- SITE GRADING
- DETAILS OF EXTERIOR FEATURES

NATURAL LOT RESTRICTIONS

There are guidelines for setbacks and vegetation control on all TimberCreek lots.

No removal of trees larger than 6” in diameter at 4’-0” above ground level is permitted without prior approval of the Architectural Review Board or its agent. Trees within 10’ of building structure can be removed.

BUILDING SETBACKS

These are typical minimum setback standards for TimberCreek which govern both horizontal and vertical construction elements that require foundations or footings. Setback limits can be changed by the Architectural Review Board on a case-by-case basis. All building setbacks are measured from and perpendicular to your property line.

Minimum building setbacks for each phase are as follows:

| | Front Setback | Rear Setback | Side Setback* |
|--|---------------|--------------|---------------|
| Phase 1, Part B (Lots 2-23) | 50' | 50' | 15' |
| Phase 1, Part C (Lots 24, 26-32, 86-110, 157-159) | 50' | 50' | 10' |
| Phase 1, Part C (Lots 25, 33-55, 111-115) | 50' | 50' | 10' |
| Phase 1, Part D (Lots 72-85, 129-147, 153-156) | 50' | 50' | 10' |
| Phase 1, Part D (Lots 56-71, 116-128, 147-152) | 50' | 50' | 10' |
| Phase 1, Part E (Lots 160-191) | 50' | 50' | 10' |
| Phase 2, Part A & B | 20' | 20' | 7' |
| Phase 3 (Lots 12-24, 27-40, 43-53) | 50' | 50' | 10' |
| Phase 3 (Lots 1-11, 25, 26, 41, 42, 54) | 50' | 50' | 10' |
| Phase 4 (Lots 1-30) | 30' | 40' | 10' |
| Phase 4 (Lots 31-55) | 30' | 30' | 10' |
| Phase 5 | 50' | 50' | 15' |

| | Front Setback | Rear Setback | Side Setback* |
|--|---------------|--------------|---------------|
| Phase 6 (Lots 1-57) | 30' | 40' | 10' |
| Phase 6 (Lots 58-85) | 30' | 40' | 10' |
| Phase 7 (Lots 22-33, 38-44, 48-55) | 50' | 50' | 10' |
| Phase 7 (Lots 1-21, 34-37, 45-47, 56-72) | 50' | 50' | 10' |
| Phase 8 (Lots 6-24, 38-52) | 50' | 50' | 10' |
| Phase 8 (Lots 1-5, 25-37) | 50' | 50' | 10' |
| Phase 9 (Lots 28-64, 81-93) | 25' | 25' | 6' |
| Phase 9 (Lots 1-27, 65-80) | 40' | 50' ** | 10' |
| Phase 10 (Lots 1-10, 12-15) | 50' | 50' | 10' |
| Phase 10 (11, 16-31) | 50' | 50' | 10' |
| Phase 11 (Lots 4-6, 12, 13, 81-84, 87-90, 95) | 25' | 25' | 6'*** |
| Phase 11 (Lots 1-3, 7-11, 14-80, 85, 86, 91-94, 96-100) | 30' | 25' | 10'*** |

* See plat for setback limits for corner lots.

** Except as shown.

*** 20' side where side yard abuts street.

SQUARE FOOTAGE REQUIREMENTS

Total of all heated and cooled areas cannot be less than the minimum square footage requirement.

Minimum square footage requirements for each Phase are as follows:

| | 1-Story SF (Min) | 1 1/2-Story SF (Min) | 2-Story SF (Min) | 2 1/2-Story SF (Min) |
|--|--|---------------------------------|-----------------------------|---------------------------------|
| Phase 1, Part B (Lots 2-23) | 2600 | 2800 (1680/-) | 3000 (1800/-) | 3600 (1800/-) |
| Phase 1, Part C (Lots 24, 26-32, 86-110, 157-159) | 2400 | 2400 (1440/-) | 2800 (1680/-) | 3200 (1600/-) |
| Phase 1, Part C (Lots 25, 33-55, 111-115) | 2200 | 2200 (1320/-) | 2400 (1440/-) | 3000 (1500/-) |
| Phase 1, Part D (Lots 72-85, 129-147, 153-156) | 2400 | 2400 (1440/-) | 2800 (1680/-) | 3200 (1600/-) |
| Phase 1, Part D (Lots 56-71, 116-128, 147-152) | 2200 | 2200 (1320/-) | 2400 (1440/-) | 3000 (1500/-) |
| Phase 1, Part E (Lots 160-191) | 1800 | 2000 (1200/-) | 2200 (1320/-) | 2800 (1400/-) |
| Phase 2, Part A & B | Note: Phase 2A and Phase 2B- There are nine(9) pre-approved plans that can be built in these phases. The developer has determined which plan can be built on which lot. All changes to these plans require approval by the Architectural Review Board. | | | |
| Phase 3 (Lots 12-24, 27-40, 43-53) | 2000 | 2000 (1200/800) | 2200 (1320/880) | 2600 (1400/1200) |
| Phase 3 (Lots 1-11, 25, 26, 41, 42, 54) | 2200 | 2200 (1320/880) | 2400 (1440/960) | 3000 (1500/1500) |
| Phase 4 (Lots 1-30) | 1400 | 1750 | n/a | n/a |
| Phase 4 (Lots 31-55) | 1400 | 1750 | n/a | n/a |
| Phase 5 | 2600 | 2800 (1680/1120) | 3000 (1800/1200) | 3600 (-/1800) |
| Phase 6 (Lots 1-57) | 2200 | 2200 (1320/880) | 2400 (1440/960) | 3000 (-/1500) |
| Phase 6 (Lots 58-85) | 2000 | 2000 (1200/800) | 2200 (1320/880) | 2600 (-/1400) |
| Phase 7 (Lots 22-33, 38-44, 48-55) | 2000 | 2200 (1800/400) | 2200 (1320/880) | 2600 (1400/1200) |
| Phase 7 (Lots 1-21, 34-37, 45-47, 56-72) | 2200 | 2200 (1800/400) | 2400 (1440/960) | 3000 (1500/1500) |

| | 1-Story SF (min) | 1 1/2-Story SF (Min) | 2-Story SF (Min) | 2 1/2-Story SF (Min) |
|--|-----------------------------|-----------------------------------|-----------------------------------|---------------------------------|
| Phase 8 (Lots 6-24, 38-52) | 2000 | 2200 (1800/400) | 2200 (1320/880) | 2600 (1400/1200) |
| Phase 8 (Lots 1-5, 25-37) | 2200 | 2200 (1800/400) | 2400 (1440/960) | 3000 (1500/1500) |
| Phase 9 (Lots 28-64, 81-93) | 2BR- 1400 3BR- 1600 | 2BR- n/a 3BR- 1600 (1200/-) | 2BR- n/a 3BR- 1600 (1200/-) | 2BR- n/a 3BR- n/a |
| Phase 9 (Lots 1-27, 65-80) | 2000 | 2200 (1800/400) | 2200 (1320/880) | 2600 (1400/1200) |
| Phase 10 (Lots 1-10, 12-15) | 2400 | 2600 | 2600 | 3000 |
| Phase 10 (Lots 11, 16-31) | 2200 | 2200 | 2400 | 2600 |
| Phase 11 (Lots 1, 2, 3, 7-11, 14-80, 85, 86, 91-94, 96-100) | 2000 | 2200 (1400/600) | 2400 (1600/800) | 3000 (1800/1200) |
| Phase 11 (Lots 4-6, 12, 13, 81-84, 87-90, 95) | 1600 | 2000 (1200/600) | 2200 (1200/800) | n/a |

TIMBERCREEK RESIDENTIAL DESIGN GUIDELINES

PHASE 2- THE COTTAGES AT TIMBERCREEK

JUNE 10, 1994

This second phase of development in TimberCreek is designed to be a true neighborhood. Plans for this neighborhood have been thoughtfully designed to be compatible with one another while offering various sizes and floor plans to accommodate individual lifestyles.

The lots within this neighborhood vary in size. Front, rear and sideline setbacks for these lots form construction sites within which these cottages must be built. Plan types which are appropriate for each lot have been listed on a master sheet with plan types selected on a first come, first serve basis. This system is used to avoid an obvious repetition of building types.

All plans to be built in Phase 2 have been pre-approved for construction under a \$500 per use fee as long as there are no changes to these plans. Any changes to the interiors or the exteriors of these buildings shall be submitted to the Architectural Review Board using the procedures called for in the TimberCreek Phase 1 Guidelines.

There will be a \$200 per submission fee for review of changes required in addition to the \$500 per use fee as outlined above.

Materials for use on the exteriors of these cottages are limited as follows:

1. Siding: Vinyl siding and trim may be used as long as it is of a premium thickness (.055 inches minimum). Wolverine (.055" thick) vinyl siding is pre-approved. Other premium thickness (.055") vinyl siding will be reviewed on an as-submitted basis. Wood siding and trim may be used only if the wood is clear pine, cypress, redwood or cedar with a smooth finish. Wood siding and trim shall be painted or solid base stained with approved colors. Colors must be submitted at time of plan submission. No masonite siding, particle board siding or aluminum siding will be approved. Hardy board 1/2" by 8" Lap (Exp. 6")
2. Shutters: Premium grade vinyl shutters are acceptable subject to approval of manufacturer and color.
3. Foundation Veneer/Chimney: The only foundation perimeter or chimney stacks that will be approved is brick or stucco. Colors subject to approval at time of plan submission.

BONUS ROOM

The Architectural Review Board has the authority to grant a bonus room in a 1 1/2 or 2 story dwelling so long as the dwelling meets the first floor square footage requirement for a 1 story dwelling and the bonus room consists of no more than a single room. If the upstairs has a multiple room use such as 2 bedrooms, a bedroom/office combination, or playroom/bedroom combination, it will be required to meet the square footage requirement for a 1 1/2 or 2 story dwelling.

BUILDING HEIGHT RESTRICTIONS

Structural height is governed by restrictive covenants. In no case can a single family home exceed two and one-half heated and cooled stories in height above first living floor level or 35' above first living floor level maximum. The basement cannot count as a story.

Architectural treatment of the space between grade and the first living floor is discussed in Section Four.

OWNER'S ENCLOSED PARKING

All dwelling units require a garage.

Phases 1, 3, 5, 7, 8, 10, and 11 - A minimum of a two (2) car garage and a maximum of (4) four-car garage is required. Garage doors cannot face the street unless approved by the Architectural Review Board.

Phase 2A and 2B - A two (2) car garage is required. Garage doors may face the street if house plan so designates.

Phase 4 - A single car garage is required. A garage door may face the street if house plan so designates. Parking pad along outside of driveway is required.

Phase 6 (Lots 58-85) - A two (2) car garage is required and garage door must face the rear of the lot and be accessible only from the rear of each lot through the Access Easement located over the rear portions of these lots. Garages cannot be accessible from or face Aspen Circle.

Phase 6 (Lots 1-57) - A two (2) car garage is required. Garage doors cannot face the street unless approved by the Architectural Review Board.

Phase 9 (Lots 28-64 and Lots 81-93) - A minimum of a one (1) car garage and a maximum of a (2) two car garage is required. A garage door may face the street if plan so designates.

Phase 9 (Lots 1-27 and Lots 65-80) - A minimum of a two (2) car garage and a maximum of a four (4) car garage is required. Garage doors cannot face the street unless approved by the Architectural Review Board.

All Phases:

- Corner lot garage locations will be approved on a case-by-case basis.
- Electric automatic door openers must be installed and used.
- Any garage visible from the street must be kept closed when not in use.

SITE GRADING

Retaining walls may be used to reduce areas which need grading or to preserve vegetation. However, this must reflect the architecture of the house, be well integrated into the site and be approved by the Architectural Review Board.

Runoff during construction must not cause damage to adjacent properties. If it is determined that erosion or surface runoff may be a problem, then erosion control devices such as temporary silt fences will be required throughout the construction process.

Owner of lot will be responsible for repairing any damage caused by runoff to adjacent properties.

DETAILS OF EXTERIOR FEATURES

FENCING

FENCING RULES & REGULATIONS, Approved by the Board- May 13, 2013

Note: All fence installations must be submitted prior to construction. The fence must be submitted on a location sketch displaying lot lines, home location, and set back lines with fence outlines and gate locations. All must be drawn to scale.

All requests for fencing must be approved by the Architectural Review Board. All requests will be approved on a case by case basis.

If a fence is to be considered an architectural extension of the house, it must be attached to the house and therefore, should be built with related or identical materials. This type of fence should be built at the same time that the house is constructed. It is important for fences to be of a complimentary style in order to maintain architectural harmony.

No fences will be allowed toward the street, forward of the rear corners of the dwelling unit's heated and cooled original living space.

PERIMETER FENCE

A perimeter fence is defined as fencing that runs from the far corners of the house to the property lines on both the side and rear of the house.

NOTE: CORNER LOTS- The fence must not encroach upon the side setback closest to the corner lot's side street.

COURTYARD FENCE

A courtyard fence is defined as fencing that begins at the rear of the house and encompasses a portion of the rear yard. Courtyard fencing cannot encroach upon the house's side setback unless approved by the Architectural Review Board.

A courtyard fence must enclose a feature of the yard such as a swimming pool, patio, deck, or outdoor living space that is defined by a specific architectural feature that has been approved by the Architectural Review Board. At least one of these features must be in place before approval of a courtyard fence will be considered by the Architectural Review Board.

NOTE: The Covenants and Restrictions of TimberCreek prohibit any placing of signage advertising the product or the installer.

APPROVED FENCING MATERIALS:

All fences must be black wrought iron or aluminum. Posts may consist of brick, stucco, wrought iron, or aluminum. Wrought iron and aluminum metal fences must be installed to meet manufacturers' specifications. All metal fence materials must be submitted to the Architectural Review Board for approval. NOTE: No ultra lite aluminum fence materials will be allowed.

Wrought iron and aluminum fences must have at least 2 horizontal rails and have cover cap finials.

Chain link, vinyl, wire, or fabric fencing materials are never permitted.

POSTS:

Brick Posts: Must be a minimum of 12 inches square. Each post must have a brick capital and all must be uniform in height and appearance.

Stucco Posts: Must be a minimum of 8 inches square. Each post must have a stucco capital and be uniform in height and appearance.

Aluminum Posts: Must be a minimum of 0.05 inches thick as a minimum standard for residential properties.

FENCE HEIGHT REQUIREMENTS:

48 inch fence height is standard throughout TimberCreek, with the exception of the perimeter lots facing commercial properties. Perimeter lots with rear lot lines facing commercial properties may have 72 inch height fences made of wood for buffering sight and sound purposes.

ALL FENCE SUBMITTALS MUST BE APPROVED BY THE ARB BEFORE CONSTRUCTING.

DRIVEWAYS, PARKING AREAS, WALKWAYS, AND HARD SURFACE AREAS

All driveways, parking areas, walkways, and other typical “hard surfaces” must be constructed of concrete, brick pavers, or similar materials approved by the Architectural Review Board. These approved surfaces must begin on the house side of the public sidewalk parallel to the street.

Property owners may, upon prior approval from the Architectural Review Board, apply materials consisting of acrylic polymer and modified cement coatings on “hard surface” areas (I.E., driveways, driveway borders, walkways, patios, pool decks, etc.) to simulate construction materials for tile, brick or stone.

Simulated surfaces must be neutral in color, representing the colors of concrete materials commonly used for driveways, walkways, etc. Simulated surfaces representing brick expansion joints and brick borders on driveways are allowed. All colors of these areas must be submitted to the Architectural Review Board for approval prior to installation.

Partial covering of driveways, parking areas, walkways, patios, pool decks, etc. is not approved.

Approval by the Architectural Review Board is for aesthetic purposes only and not for the quality of the material to be used. Approval does not infer that the product is suitable for the intended purpose. Once applied, it is the responsibility of the property owner to maintain the surface. If the surface is damaged due to wear and tear, an accident, or for any reason, the property owner must promptly repair it at their expense.

Driveways with 80% of its width and located within ten feet (10') of a property line must be provided with a two foot (2') wide sodded area from the driveway edge to the adjacent property. A minimum two foot (2') wide sodded area is required. The sodded area must extend from the sidewalk at the street to the back line of the house. Drives must be a minimum of nine feet (9') wide.

SIDEWALKS

Property owner is responsible for the repair and/or replacement of any sidewalk in front of their property or the adjoining properties that may become damaged.

OUTDOOR LIGHTING

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. Illumination necessary for evening activities must be directed downward and only bright enough to provide for safe traverse of steps and paths. Exterior light fixtures on homes must be of a baffled design and not create a nuisance for adjoining property owners. Whenever possible, functionally required lighting should be integrated into such features as steps, handrails, posts, and curbs.

Accent effects can also be achieved through the use of landscape lighting. Accent spotlight fixtures directed upwards into tree foliage can provide low intensity but often dramatic illumination of nearby pedestrian areas. Landscape uprights should be unobtrusive in appearance or hidden from view. All landscape fixtures must be shielded by planting and concealed in daytime.

Lighting along driveways and paths must have a mounting height no greater than three feet (3') and use no more than 60 watt incandescent lamps.

Pole mounted light fixtures will be approved on a case-by-case basis.

Outdoor lighting with colored lenses or lamps will not be allowed.

DECKS, PATIOS, PORCHES

Yards and terraces should be designed to be an extension of the architecture of your home. A well planned deck, patio, or porch adds living area to your property.

In order to decide the location of your deck, patio, or porch it is important to know the physical assets of your property as well as the requirements of design and construction, the setbacks, and deed restrictions. All decks, patios, or porches that extend beyond the setbacks will be reviewed for approval by the Architectural Review Board on a case-by-case basis.

Flooring must be constructed of concrete, brick pavers, wood, or similar materials approved by the Architectural Review Board. Property owners may, upon prior approval from the Architectural Review Board, apply materials consisting of acrylic polymer and modified cement coatings on patios to simulate construction materials for tile, brick or stone.

Areas under these structures that are open to view must be enclosed utilizing wood lattice or comparable material approved by the Architectural Review Board.

The Architectural Review Board will only approve screened porches that are under roof and no exceptions will be granted.

SWIMMING POOLS

The size, shape and siting of swimming pools must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Fountains and recirculating water add character and are subject to the Architectural Review Board's approval.

Due to the potential disruption of natural features, the Architectural Review Board will review all proposed pools on a case-by-case basis.

All swimming pools must be enclosed by fencing that meet the requirements of the design guidelines and local and state laws. The swimming pool, deck, fencing and equipment enclosures must be architecturally related to the house and other structures in placement, materials, and detail. POOL ENCLOSURES OR INFLATABLE "BUBBLE" COVERS WILL NOT BE ALLOWED. Above ground pools will not be allowed. The water's edge of the swimming pool cannot be closer than twenty foot (20') to any property line. This dimension does not include the pool decking.

GAZEBOS, ARBORS, AND TRELLISES

These functional structures can be very pleasing landscape elements that can fit well into the TimberCreek theme. It is important to view these as permanent structures and to design them accordingly. THESE PERMANENT STRUCTURES MUST BE APPROVED BY THE ARCHITECTURAL REVIEW BOARD.

TRASH

The type of trash receptacle required will be determined by the city service which provides for the residents of TimberCreek. Trash receptacles must be kept in a clean and sanitary condition. They must be stored so they are not visible from any road within sight distance of the house at any time except during refuse collection. They can be kept on the side of the house if screened by shrubbery or other material approved by the Architectural Review Board.

Household garbage must be bagged and placed in the trash receptacle. The disposal of household trash (old furniture, yard debris, etc.) and your recycling items must be disposed of in accordance with the guidelines imposed by the city service which provides for TimberCreek.

All trash receptacles, household trash, and recycling bins must not be placed out for refuse collection any earlier than 24 hours prior to the service day.

TENNIS COURTS

Individual tennis courts are not permitted.

MAILBOXES

Mailboxes and house numbering graphics will be a standard design throughout the community. Design and location will be provided by the Architectural Review Board. Upkeep on your mailbox must be done as needed. All mailboxes and mailbox numbers must be purchased from the POA.

ANTENNAS/SATELLITE

Antennas/satellite are permitted and must be installed in an inconspicuous location. Installation of the antenna on the rear portion of the house roof is the most preferred location. Installation on the side portion of the house roof is permitted only if side location is required to receive an adequate satellite signal, and only if side location is not closer than ten feet (10') to the front corner of the house.

Antennas pole mounted on ground level must not exceed six feet (6') to the upper most extremity of the antenna installation, and should only be installed within ten feet (10') from the side or rear of the house. If a pole mounted antenna must be located more than ten feet (10') from the side or rear of the house in order to obtain adequate signal reception, the property owner must have location approved by the Architectural Review Board. All poles used for mounting antennas must be screened from view by the planting of dense growing shrubs, such as Cleyera, Camellia, Oleander, Sweet Olive, etc.

Di-pole "yagi" TV antennas or amateur radio single sideband antennas are not approved.

SECTION FOUR

ARCHITECTURAL STANDARDS FOR DESIGN AND CONSTRUCTION

The following section outlines the architectural features and building materials suggested for use in the planning of your TimberCreek home.

It is not the intent of the developer to force residents into a strict, uniform building design. It is desired and intended that all the homes compliment a central theme and each other. In doing so, you will be assured that your significant investment of time and resources will be rewarded with an environment and quality of living that will be highly desirable.

- FOUNDATIONS
- EXTERIOR WALLS
- WINDOWS AND DORMERS
- SHUTTERS
- DOORS
- ROOFS
- CHIMNEYS
- MECHANICAL EQUIPMENT
- INTERIOR DESIGN AND CONSTRUCTION
- SITE FURNISHINGS

FOUNDATIONS

No exposed foundation walls are allowed. The underside of the house must be screened from view by the approved finish building materials which must be taken to finish grade level on all sides.

EXTERIOR WALLS

COLOR

Continuity and consistency of the color of the exterior materials is encouraged. No color extremes will be permitted. All color of the materials require approval by the Architectural Review Board.

No unstained or unpainted siding or trim will be permitted.

MATERIALS

The approved finish building materials must be applied consistently to all sides of the exteriors of the house. Changing the exterior building material on different sides must be approved by the Architectural Review Board.

Materials are to be taken from the soffit to the finish grade level on all sides, including around decks, porches and patios. No exposed concrete walls or block will be permitted.

All exterior materials require approval by the Architectural Review Board. Recommended materials are brick, stone, stucco or wood. Other materials may be considered by the Architectural Review Board. Simulated brick and aluminum siding will not be permitted.

WINDOWS AND DORMERS

Proper scale and proportion are required for dormers.

All windows must be wood or vinyl clad wood windows, unless aluminum or an alternative material is specifically approved by the Architectural Review Board. No mill finish aluminum windows will be permitted.

Colonial or traditional style muntin or lite patterns are encouraged. Reflective glass is prohibited.

SHUTTERS

Shutters, proportioned to fit windows, which provide protection and control of climatic conditions are allowed.

DOORS

The following describes doors which are acceptable. Other types must be approved by the Architectural Review Board.

1. Wood, fiberglass, or metal doors with divided glass panels.
2. Wood, fiberglass, or metal doors with glass and wood panels. Single glass panels can be divided into smaller panels.
3. Raised wood, fiberglass, or metal panel doors. Panels can range from two to six in number.
4. Wood, fiberglass, or metal doors with horizontal louvers. Louvers can be in panels or run the entire length of the door.
5. Wood, fiberglass, or metal framed solid glass doors. Doors may be hinged, or where design dictates, sliding.

Storm doors will not be approved.

ROOFS

DESIGN

Hip, gable, and hipped gable roof designs are permitted.

Flat roofs will not be permitted unless approved by the Architectural Review Board.

Inconsistent or random arrangement of roof lines will not be permitted unless approved by the Architectural Review Board.

Towers or turrets will not be permitted unless approved by the Architectural Review Board. "A" frame roofs and geodesic dome roofs are prohibited.

SLOPE

Maximum roof pitch is twelve inches (12") rise in a twelve inch (12") run. Minimum roof pitch is six inches (6") rise in a twelve inch (12") run.

A minimum roof pitch over a porch may be four inches (4") rise in a twelve inch (12") run if approved by the Architectural Review Board.

Extreme roof pitches are not allowed.

MATERIAL

Roofing must be textured, architectural type shingles which are comparable to GAF Timberline 25. Metal roofs may be permitted if approved by the Architectural Review Board. Barrel tile or cement tile shingles are prohibited.

PENETRATIONS

No roof penetrations for plumbing or heating vents, fans, etc., can be placed on the front side of the roof. A minimum roof penetration is encouraged and all protruding elements must be painted the same color as the roof material prior to the completion of the house. As with any paint, it will fade or deteriorate over time and the homeowner is responsible for the maintenance of these roof penetrations.

CHIMNEYS

No exposed pre-fab chimney flue pipes will be permitted. Any exposed portion of a chimney outside of the building must be constructed of brick, stone, stucco, or a material approved by the Architectural Review Board.

If the fireplace is a metal, self-insulated type with a metal spark arrester at the top of the chimney, it must be enclosed by a material approved by the Architectural Review Board.

MECHANICAL EQUIPMENT

Mechanical equipment cannot be located in the front yard. Air-conditioning units, generators, or pool equipment may be located in the side or back yard if screened from view and approved by the Architectural Review Board.

No exposed piping, electrical or heating/air-conditioning components will be permitted, with the exception of air-conditioning condensers.

Window air-conditioning units are prohibited.

SITE FURNISHINGS

PLAYGROUND EQUIPMENT

Swing sets

1. Swing sets must be approved in advance by the Architectural Review Board.

2. Swing sets must be constructed of heavy wooden timber, stone, brick, ornamental wrought iron, or stucco. Finishes must be submitted for approval.
3. Swing set must be earth tone or neutral in color.
4. Location of swing set must be approved by the Architectural Review Board.
5. Overall size of swing set must be approved by the Architectural Review Board. There will not be a prior approved “nominal” size of any swing set. Sizes will be approved on a case-by-case basis with attention paid to the size, height, and mass of improvements on adjoining lots and the size of adjoining lots.
6. Swing sets are not allowed on any corner lot.
7. All playground equipment must be approved by the Architectural Review Board in advance.

Play Houses, Trampolines, and Other Fixed Playground Type Equipment (Non-Golf Lots)

Play houses, trampolines, and other fixed playground type equipment must be approved in advance by the Architectural Review Board. All approvals will be on a case-by-case basis.

Play Houses, Trampolines, and Other Fixed Playground Type Equipment (Golf and Corner Lots)

Play houses, trampolines, and other fixed playground type equipment are not allowed on any golf lot, with the exception of a few golf lots on North Court that cannot be seen from the golf course. Corner lots may be approved on a case-by-case basis.

Tree Houses and Platforms (All Lots)

Tree houses and platforms are not allowed on any lot.

Basketball Goals

1. All basketball goals are subject to approval by the Architectural Review Board. All basketball goals and any and all play equipment must be submitted for approval prior to installation.
2. Phase's 2A, 2B, and 4:
 - a. Golf lots: Case-by-case basis
 - b. Non-golf lots: allowed only if goal is placed in rear yard and cannot be seen from street

3. Phases 1, 3, and 5-11:
 - a. Non-golf lots: Are allowed as long as they are placed behind or rear of the front of any building structure nearest the street
 - b. Golf lots: Allowed as long as the goal is placed behind or rear of the front of any building structure and forward of the rear of any building structure
 - c. Corner lots: not allowed between any street and building structure
4. All basketball goals that can be viewed from the street can only be of the “temporary” manufactured type. Basketball goal posts that can be viewed from the street can never be installed as a permanent structure, as in “cemented in.” Those permanently installed and approved by the ARB basketball goals as of January 1, 2017 will be allowed to remain permanently installed.
5. Basketball goal inspections will be done on a monthly basis. Obviously unused and unkempt goals will have to be removed immediately upon letter from the POA management.

FRONT YARD ITEMS

1. No bird baths, bird houses, ponds, flag poles, lawn sculptures, artificial plants, rock gardens, lawn furniture, or similar types of accessories and furnishings are permitted in any front yard. The front yard includes all areas in front of the house including walkways, shrub beds, the driveway, etc. The Architectural Review Board along with the Board of Directors will strictly enforce the prohibition of these lawn items in the front yard.
2. Lawn items placed in the side or rear yard are subject to approval by the Architectural Review Board.
3. Lawn furniture, sculptures, or pots with plantings may be placed on the front porch that is under roof or adjoining steps and are subject to approval by the Architectural Review Board.
4. The American flag is allowed in the front, side or rear yard if it is attached to the house. Free-standing flag poles are not allowed. The size and location of the flag is subject to approval by the Architectural Review Board.
5. Other flags may be allowed in the rear yard if it is attached to the house. The size and location of the flag is subject to approval by the Architectural Review Board.
6. Security alarm signs can be placed in the front yard. It must be integrated into the landscaping and placed within 10’ of the house. The size of the sign cannot exceed the size of the security signs that are already in place in TimberCreek and will be limited to one (1) sign per home.

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7. Political signs may be placed in the front yard between the house and sidewalk 30 days prior to the election and must be removed within 3 days after the election. Signs cannot be larger than 18" x 24".
8. Residents may display holiday decorations only during Mardi Gras, Easter, Halloween, Thanksgiving, Hanukkah, and Christmas holidays. Decorating during other holidays must be approved in advance by the Architectural Review Board. Extreme use of decorations is subject to approval by the Architectural Review Board. Decorations cannot be displayed any earlier than 30 days prior to the holiday and must be removed within 7 days after the holiday.

SECTION FIVE

LANDSCAPING

The landscape design of each home site in TimberCreek offers the opportunity to exercise your individual commitment to preserving the native vegetation. Nature has conveniently given a basic outline of the plant material that thrives in this area and preserving that gift and enhancing the setting for the residence is the goal for this section.

- **SAMPLE SITE CONCEPT**
- **PLANTING NEW VEGETATION**
- **TREE PRESERVATION**
- **PLANT LIST**
- **DRAINAGE**

SAMPLE SITE CONCEPT

1. Set-back lines with random masses of flowering shrubs beneath tree canopy.
2. The service yard should be screened from views by landscaping or an architectural element.

The preliminary site plan addresses the formative considerations of the home site, building placement and relationship of adjacent houses.

As you begin to refine the layout of your grounds, it is important to understand the value of well-designed landscape. Not only will you be at home on your grounds, but you will be increasing the total value of your investment.

To coordinate each homeowner's plans with the intended landscape concept for TimberCreek, a cooperative effort is needed. Within the setback areas of each lot and along roadways, we ask that each lot owner plant shrubs and underscore trees that will flower and/or provide color to enhance the scenery for all TimberCreek residents.

PLANTING NEW VEGETATION

PRELIMINARY PLANTING PLAN

A preliminary planting plan shall be prepared and submitted as soon as possible. Locations with the greatest visual contact from the public street should have top priority in deciding where to spend money for planting.

The preliminary planting plan should indicate the use of various classifications of plants.

These include:

1. Deciduous overstory trees
2. Evergreen overstory trees
3. Understory trees that normally form a canopy below the larger trees
4. Evergreen and deciduous shrubs of various heights
5. Groundcover, annuals, perennials
6. Sodded areas
7. Mulched bed areas

Immediately after the construction of the initial dwelling on a lot, the front yard of such lot shall be fully grassed by the application of solid sod, and not sprigged or partially sodded.

One well/well house is allowed for irrigation purposes only. It shall not be located in the front yard and shall be screened from view.

The selection and placement of the new material is a complex task. In the preliminary state, approximate sizing should be noted on the plan. For detail design, a careful study of sizes, shapes and textures is warranted, as well as plant types, growth habits, hardiness, moisture, and shade requirements and soils.

TREE PRESERVATION

The conservation of as many existing trees as possible is desired. Where necessary to raise the grade around an existing tree, the soil should be prevented from coming in contact with the bark. If filling is required within the drip line, the rock or drywall walling should be installed adjacent to the tree trunk. Additionally, vertically placed stacks of rock extending to the final grade for 2/3 of the diameter of the drilling should be installed. If a tree is to survive, its roots, bark and leaves must be largely undamaged. Preserving trees necessitates preserving existing grade. Cutting within the drip lines of the trees should be minimized. When it is necessary to lower the grade adjacent to a tree or group of trees, the cut should occur outside of the drilling.

Although the cost of building around trees may initially be more than on open land, the replacement of vegetation on a site can be costly and never looks quite the same. The Architectural Review Board requires that a landscape plan be submitted as part of the development proposal.

The following proposals will be denied:

1. Unwarranted removal of specimen trees
2. Property lines outlined by clipped hedges that exceed 4' in height
3. Intensive use of plants with form or colors not native to the area
4. Earth fill that threatens existing trees
5. Large unplanted windowless walls

PLANT LIST

APPROVED TREE SUGGESTIONS, BUT NOT LIMITED TO:

Shade Trees: red maple, tulip tree, river birch, willow oak, pin oak, live oak, slash pine, so. red oak, sweet gum, weeping willow

Flowering Trees: dogwood, crepemyrtle, treeform ligustrum, treeform sasanqua camellia, drake elm, Bradford pear, waxmyrtle

Note: Treeform Palms will not be approved.

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GROUNDCOVER

dwarf gardenia, variegated lirioppe, green lirioppe, monkey grass, asiatic jasmine, emerald sea juniper

VINES

confederate jasmine, carolina yellow jasmine, fig vine, english ivy

GRASSES

st. augustine, centipede, zoysia, bermuda

Bedding ground cover can also be stone, paver brick, slate, etc. Materials must be of a color and site that is inconspicuous in nature. All brilliant white stone is not native to the area and will not be approved.

SHRUBS

Large: sweet olive, burford holly, oleander, russian olive, azalea varieties, viburnum, pittosporum, ligustrum, wax myrtle

Medium: dwarf burford, dwarf azaleas, cleyara, dwarf crepemyrtle, willow leaf holly, raptiolepis, hydrangea, fatsia, nandina

Small: dwarf nandina, gumbo azalea, helleri holly, dwarf yaupon, dwarf raphiolepic, boxleaf holly, dwarf chinese holly, compacta holly

When you choose specific plants, refer to the above plant list for selection. These are readily maintained, native or naturalized to the area and will blend with the natural landscape. Specifically, this list has been developed considering such factors as hardiness and local maintenance.

DRAINAGE

All rainfall runoff water must be directed to the street or to a ditch. Runoff water must not be directed to any adjacent property. Adjacent properties are encouraged to have common ditches along property lines to accomplish desired runoff plan.

Note: Ditches, retaining walls, and manufactured drain tiles (French drains) can be used to accomplish proper runoff. Minimum impact to neighboring adjacent properties is the goal of all homeowners.

SECTION SIX

CONSTRUCTION INFORMATION

This section provides guidelines for the property owner's home builder and contractors. It is the responsibility of the property owner to make sure that their home builder and contractors adhere to the following guidelines and regulations.

- SAFETY AND SITE REGULATIONS
- CONSTRUCTION REGULATIONS
- JOB SITE GUIDELINES
- UTILITY SERVICES
- U.S. ARMY CORPS OF ENGINEERS
- ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
- BUILDING INSPECTION DEPARTMENT
- RESTRICTIVE COVENANTS
- PROPERTY OWNER'S ASSOCIATION

SAFETY AND SITE REGULATIONS

All builders and builder personnel are required to abide by all OSHA rules and regulations (i.e., wearing hard hats in designated areas, etc.). All accidents are to be reported to appropriate authorities as soon as possible after the occurrence.

No fires are allowed.

Builders and contractors are responsible for the actions of their employees while in TimberCreek. Firearms and weapons are prohibited. The use of intoxicants and drugs is prohibited. Radios, stereos, and similar equipment, or anything which creates a nuisance for adjacent homeowners, are not allowed on the job site. Harassment of residents and visitors is strictly forbidden. TimberCreek reserves the right to ask builder's and contractor's employees to wear shoes and shirts while on the job site.

Speed limit is as posted and enforced. All construction vehicles must comply with applicable state laws, i.e., inspections, licensing, authorization for operation, etc.

Workers are not permitted to park on sidewalks or street islands. Workers are not permitted to park in front of a resident's driveway or mailbox. Workers are asked to park on the same side of the street that the job site is on.

Construction activity is not permitted beyond the property lines.

All planting, fixtures, fencing and landscaping which is damaged during construction by workers, vehicles, fire or other cause on or off the site, including sidewalks, streets, shoulders and common areas, must be repaired or replaced by the builder and/or the property owner. The property owner is responsible for the builder's actions during construction.

Storage of equipment and materials, temporary or otherwise, should occur within the driveway and parking limits of the site. The overnight parking of construction vehicles or construction trailers must be approved by a member or agent of the Architectural Review Board. Tool or equipment sheds must be approved by the Architectural Review Board.

All reasonable means should be taken during and after construction to protect and preserve all existing vegetation.

All builders and workers must comply with the above safety and site regulations. Any builder or worker found to be in obvious nonconformance of these regulations may be denied access and work may be suspended.

The Architectural Review Board reserves the right to periodically issue such rules and regulations as it deems appropriate.

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CONSTRUCTION REGULATIONS

Reviews while construction is in progress will be conducted by a member or agent of the Architectural Review Board to ensure that the property owner's builder and contractors are:

1. Erecting the house as per the approved construction documents and specifications. Note that any change to the approved construction documents and specification will require Architectural Review Board approval before any such change can be implemented. Major changes may require resubmission for final approval at the Architectural Review Board's discretion.
2. Complying with safety and site regulations.
3. Complying with the following job site guidelines.

TimberCreek and its agents assume no responsibility for reviewing construction in progress for compliance with any codes or with approved plans. The property owner assumes full liability for failure of construction to comply with approved documents.

JOB SITE GUIDELINES

Before a lot can be cleared, the following must have occurred:

1. Construction Documents and Specifications have been approved in writing by the Architectural Review Board. Construction must begin within nine (9) months after plan approval.
2. The home builder has been approved in writing by the Architectural Review Board.
3. The trees to be removed from the site must have been approved by a member or agent of the Architectural Review Board.
4. The condition of the sidewalk, street, and curb in front of the site, and the adjoining lot's sidewalk, street, curb and grade have been noted by a member or agent of the Architectural Review Board. The property owner will be responsible for the repair/replacement of any sidewalk, street curb or grade that is damaged before construction is completed.

Any clearing, grading or building on the lot without approval by the Architectural Review Board may result in suspension of work and denial of TimberCreek access to the builder.

Construction access will be allowed only between 6:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. Construction access on Sunday for exterior work requires prior approval by the chairman of the Architectural Review Board and interior work requires prior approval by the manager of the Property Owner's Association. Exterior and interior work on Sunday will only be approved if the house is within 30 days of completion. Commercial lawn services will not be allowed to perform any work on Sunday. Sunday approved construction access will be allowed only between 8:00 a.m. and 5:00 p.m.

After the lot is cleared the following must occur:

1. The builder's sign must be displayed on the lot during the course of construction or for a period of twelve (12) months, whichever will occur first. The sign must contain contact information and must meet the guidelines set forth in the covenants and restrictions. Note that these sign guidelines do not permit the placement of signs by material suppliers, subs, etc.
2. A construction layout survey is to be given to the Property Owner's Association office for their file.
3. Construction should be completed within twelve (12) months of the actual initiation of construction. The Architectural Review Board has defined actual initiation of construction to be when excavation for footings begins.
4. Sediment and erosion control provisions must be employed and maintained during construction.
5. The builder must provide toilet facilities for the workers on the job site. Portolets must be kept off of sidewalks, and whenever possible the portolets should be kept behind the sidewalk.
6. Prior to the framing stage, a dumpster is required to be placed on the job site. Dumpsters are not to be placed on the sidewalk or in the street. Dumpsters must be emptied as needed and must not be allowed to become overfilled.
7. The builder must keep the job site neat and clean. Fast food trash and waste from employees are to be placed in a trash container. Construction debris and trash must be placed in the dumpster. Burning is prohibited. *The Architectural Review Board reserves the right to have the site cleaned, as needed due to noncompliance, and the owner of the lot will be charged the cost of such work.*
8. An exterior color selection sheet with the property owner's choice of colors for the exterior of their home must be submitted to the Architectural Review Board for approval. Approval may take up to two (2) weeks and it is recommended that the

selection sheet be given to the Property Owner's Association office prior to the black-in stage.

9. All metal flashing and roof vents must be painted to match the roof color. This is to be done prior to completion of the house.
10. The property owner's landscaping plan must be submitted to the Architectural Review Board for approval prior to planting. Approval may take up to two (2) weeks and it is recommended that the landscape plan be given to the Property Owner's Association office third (30) days prior to the completion of applying the exterior materials. Note that the front and side yard must be sodded prior to occupancy. The landscape plan must be completely installed within ninety (90) days after construction is complete.

After the builder has completed construction, a member or agent of the Architectural Review Board will perform a final inspection of the job site. This inspection is to assure that the property owner's builder has completed construction in compliance with the Covenants and Restrictions and Residential Design Guidelines, and to assure that construction debris has been removed and that damage to sidewalks, streets, curbs, and the grade in front of the job site or surrounding property has been replaced or repaired.

UTILITY SERVICES

Electric, natural gas, water, sewer, phone, and cable service is available. Applicable tap fees and monthly billings are charged for these services.

U.S. ARMY CORPS OF ENGINEERS

The Corps of Engineers, in conjunction with State agencies, controls any construction within the waterways, lakes, marshes, swamps and conservation areas, and approves all building permits in these areas.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)

The property owner is required to obtain an ADEM Construction and Land Disturbances NPDES general permit prior to any construction occurring on any lot.

BUILDING INSPECTION DEPARTMENT

This department issues permits for construction of all structures including single family homes. Additionally, this department assigns the minimum building floor elevation, based on the flood insurance rate maps for each individual house. This department must

also do periodic inspections during construction to see that the minimum building code standards are being met. Upon completion of construction of a lot owner's house a final inspection is made and a Certification of Occupancy is required from this department prior to occupying the house.

RESTRICTIVE COVENANTS

These are recorded covenants and restrictions which apply specifically to the development of TimberCreek and which are designed to protect every property owner. They have been drafted to ensure the highest quality of life by establishing specified development standards for which each lot owner is legally responsible. This property is also subject to the covenants and restrictions of TimberCreek.

PROPERTY OWNER'S ASSOCIATION

The property owner is a member of the Property Owner's Association of TimberCreek, Inc. and is subject to all rules, regulations, and assessments of the Association.

SECTION SEVEN

ENFORCEMENT

This section provides guidelines for the Lot Owner and Architectural Review Board. The Architectural Review Board and Property Owners Association are responsible for ensuring the enforcement of the Architectural Design Guidelines, Approved Builder Guidelines, and to act as a supplement to the Covenants and Restrictions of TimberCreek Subdivision as amended, and to ensure conformity with the Plans and Specifications for improvements to be built by Lot owners after receiving approval of proposed plans, additions or alterations by the Architectural Review Board. Each owner is ultimately responsible for ensuring that the Lot Owner and Lot Owner's builders, builder and subcontractors and independent contractors comply with the Architectural Design Guidelines, the Approved Builder Guidelines, the Covenants and Restrictions of TimberCreek Subdivision, as well as Approved Plans and Specifications approved by the Architectural Review Board for construction of any improvements on owner's lot.

Should it be necessary for the Architectural Review Board or Property Owners Association to write more than one letter requesting that a lot owner, builder, subcontractor or independent contractor come into conformity with the Design Guidelines, Builder Guidelines, Restrictive Covenants or Approved Plans and Specifications or to take legal action, whether in the form of written correspondence from counsel or actual court filing, to or against the lot owner, builder, contractor, subcontractors, or independent contractors, it will ultimately be the owner's responsibility to reimburse the Architectural Review Board and/or the Property Owners Association any and all attorney's fees associated with actions taken by the Property Owners Association or Architectural Review Board. A penalty of \$20 per day shall accrue against the lot and lot owners for each day that the lot owner, contractor, subcontractor, or independent contractor remains non-compliant after receiving a second written notice from the Architectural Review Board or Property Owners Association of their non-compliance with the Architectural Design Guidelines, Builder Guidelines, Covenants and Restrictions, or Approved Plans and Specifications.

In the event a court of competent jurisdiction reaches a determination that the Lot Owner's builders, contractor's, subcontractor's or, independent contractor's construction work is not in conformity with the Architectural Design Guidelines, Builders Guidelines, Restrictive Covenants or Approved Plans and Specifications but allows the non-conforming construction to remain in place, the owner acknowledges that the damage to the Property Owners Association and the Architectural Review Board will be difficult to quantify, and as such agrees to pay to the Architectural Review Board and/or the Property Owners Association liquidated damages in the amount of \$10,000

plus attorney's fees. Therefore, it is important for the Lot Owner, builder, contractors, subcontractors or independent contractors of Lot Owners to consent with the Architectural Review Board prior to taking an action which is affected by the Design Guidelines, Builder Guidelines, Covenants and Restrictions, and Approved Plans and Specifications.