



DEER CREEK HOMEOWNERS' ASSOCIATION INCORPORATED

**ARCHITECTURAL
REVIEW
GUIDELINES**

A Planned Residential Community
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ARCHITECTURAL REVIEW GUIDELINES

INTRODUCTION

The owners and developers of Deer Creek have employed the efforts and services of highly respected land planners, building and landscape architects and professional engineers to create and design a planned unit development and community that offers its residents a distinctive character and atmosphere for Ideal Living with Ideal Standards. Growth follows a master plan that emphasizes community, elegance, privacy, convenience, and beauty that incorporates an unprecedented collection of amenities for its residents. Through its Homeowners' Association and the Architectural Review Committee, Deer Creek will strive to maintain and protect this Ideal Living and its Ideal Standards.

This manual has been prepared by the Architectural Review Committee (ARC) to provide builders and homeowners guidelines in their selection of concepts for construction. The intent of these guidelines is to assure each Builder and Homeowner that Deer Creek will be developed and constructed as a community of quality homes, buildings, and landscaping that are of tasteful and aesthetically pleasing architectural design; that are harmonious with surrounding structures and topography; and that have landscaping and other site improvements consistent with the aesthetic quality of Deer Creek as a whole.

These guidelines do not include all building, use and other deed restrictions associated with Deer Creek, and accordingly, each Builder and Homeowner should familiarize themselves with provisions of the Declaration of Protection Covenants, Conditions and Restrictions, and the Bylaws of the Deer Creek Residential Homeowners' Association, Incorporated. The inclusion of any recommendation in these Guidelines shall not preclude the Architectural Review Committee's (ARC's) right to disapprove any proposed matter for any reason.

ARCHITECTURAL REVIEW COMMITTEE

The number and terms of the individuals serving on the ARC shall be established by the Board of Directors in accordance with Article VII, Paragraph B of the Deer Creek Homeowners' Association Bylaws. The ARC members may or may not be members of the Board of Directors and do not have to be members of the Association.

The primary functions of the ARC members will be to 1) supervise, monitor and enforce compliance with the terms and conditions of any Declaration and the ARC Guidelines and 2) to review on behalf of the Association any and all plans and specifications for any design, placement, construction, demolition, improvement or grading within Deer Creek before any such actions take place in Deer Creek.

Individuals serving on the ARC shall be entitled to the same indemnification rights as the Board of Directors of the Association, and all of the provisions of Paragraph 4 of Article

IX of the Association Bylaws shall apply and be available to each individual serving on the ARC.

ARCHITECTURAL REVIEW COMMITTEE POWERS

In order to insure the quality of the community, a plan review process has been established pursuant to the Declaration to review individual building and landscape plans. The authority to approve or disapprove building and landscape plans is provided in the recorded Declaration and provides that broad latitude and broad discretionary powers are vested in the ARC regarding approval of:

- the aesthetic impact of design, construction and development
- the architectural style and design
- colors, textures, materials
- height, build, proportions
- landscaping
- overall impact on surrounding property

DESIGN REVIEW SUBMITTAL

Submittal shall be presented to the ARC prior to obtaining Builder Permit for the residence and/or before any site improvements begin. If Builder or Homeowner so desires, a preliminary plan may be presented for preliminary approval prior to finishing final plans. However, no construction of a building or structural improvement; no landscaping or other site improvement; and no alterations or additions to any existing structure or site improvement shall be made on any property until the plans and specifications showing the proposed design, nature, kind, shape, size, color, materials and location of same are submitted and approved, submittal shall include sufficient exhibits to demonstrate compliance with standards and requirements of these Architectural Review Guidelines.

Construction must commence within six (6) months from the date of Final Approval or Final Approval is void. If Final Approval is granted, subject to conditions, and these conditions are not met, then Final Approval shall be void. Seven (7) working days should be allowed for ARC approval or denial.

Any review by the ARC of plans, specifications, designs, drawings or other submissions to the ARC is for aesthetic purposes only and only for the purpose of determining whether such plans, specifications, designs, drawings or other submissions comply with the Declaration or the ARC Guidelines and is for the sole benefit of the ARC and the Association, and is not a review of any structural, foundational, construction, code or other matters relating to the plans, specifications, designs, drawings or other matters submitted and is not a review of the sufficiency or adequacy of the submission by or for the person submitting such plans, specifications, designs or other matters. The submitter of such plans, specifications, designs and other matters submitted shall have no reliance on any approval given by the ARC, and any and all ARC approvals (if given) shall not be

deemed an approval of the sufficiency, detail, compliance or adequacy of said plans, specifications, designs or drawings in any event or for any other purpose.

ARCHITECTURAL AND CONSTRUCTION REVIEW PROCESS

The Review Process is a simple procedure of complying with the requirements outlined in these Architectural Review Guidelines and following the step-by-step review format described herein.

Upon submittal of all plans and specifications and completed applications for new construction, a one time processing/review fee may be charged, which fee shall accompany the plans submitted to the ARC for review. Such fee is non-refundable. The amount of such fee will be set and may be increased from time to time by the ARC in compliance with the Declaration of Protective Covenants. All processing/review fees shall be made payable to Deer Creek Homeowners' Association, Incorporated.

Prior to commencement of any construction related activities, the following plans must be submitted by each Builder / Owner to the ARC for review and approval or denial, incorporating the following steps:

Step One: Construction Drawings and Schedules

Prior to any site disturbances, the applicant shall submit an executive application, two (2) sets of architectural drawings and the design review fee for ARC review.

Submissions must include the following:

1. Building Plans at a scale of 1/8" = 1'0" or larger.
 - a. Floor plans (all floors) which includes total finish square footage of home.
 - b. All four (4) exterior elevations showing approximate finish grade line, and all roof areas and corresponding slopes.
 - c. Wall sections at a scale of 3/4" = 1'0" indicating roof overhang, roof pitch, window details, etc.
2. Exterior material, finish and color schedule indicating:
 - a. Roofing material and the materials and finishes for each building elevation (i.e. stucco, stone, brick, etc.)
 - b. Roofing color, brick and mortar selections, siding and/or trim colors and any other proposed exterior colors. This

schedule must be submitted within 30 days of the application date.

- c. The ARC may require finish and/or color samples.
3. Site Plan at a scale of 1" = 20' indicating.
 - a. Footprint and finish floor elevations of the unit and garage on the site as well as locations of driveways, walks, patios, decks and site walls.
 - b. Property, setback lines, easements and clearing limits.

Step Two: Staking and Permit Approval

Before clearing or construction can commence on any lot, the applicant may be required to do any or all of the following:

1. Stake and string the outline of the dwelling in its proposed location, and establish the proposed elevation of the first floor.
2. Flag property corner pins and string property line.
3. Arrange a site inspection with the ARC representative to verify that the staking is in conformance with the approved site plan. If, after staking, the applicant or ARC representative wishes to alter the foundation location as presented in the approved site plan, alternates can be discussed at the staking meeting.

Special effort should be made to field adjust, if necessary, the unit location to preserve trees.

4. Indicate on the site plan drawing all changes in the foundation location approved by the ARC representative.
5. Existing and proposed grades by contour lines with existing trees or tree masses to remain.
6. Indicate on the site plan location and style of site accessories such as mailboxes, fencing, trash container pads, lighting, play equipment; also locations of air conditioning compressors, power and gas meter, phone pedestals, back flow preventers, light locations and specifications (including utility or flood light locations).

Step Three: Submission of Landscaping Plans and Site Improvements.

Before clearing or construction can commence on any lot, the applicant may be required to do any or all of the following:

1. Submit a plan at a scale of 1"= 20' indicating:
 - a. Footprint of the dwelling and garage with finish floor elevations; property and setback lines, easements, and clearing limits.
 - b. Existing and proposed grades by contour lines.
 - c. Locations of driveways, walks, patios, decks, site walls, and pools.
 - d. Location of site accessories such as mailboxes, fencing, trash container pads, play equipment, also air conditioning compressors, power and gas meter, phone pedestals, back flow preventers, light locations and specifications (including utility or flood light locations).
 - e. Irrigation Plan.
 - f. Type, location, quantity and size of proposed new plant material including trees, shrubs and ground cover.
 - g. Location of all existing trees over four (4) inches in diameter and all flowering trees over two (2) inches in diameter not in natural tree masses. Existing tree masses and areas to remain in a natural condition (generally undisturbed except for minor understory clearance).
 - h. Areas to be sodded.
 - i. Areas for bedding and/or berming.
 - j. Areas to be planted for screening.
 - k. Landscaping budget or allowance.

Step Four: Plan Changes during Construction

All changes to the approved plans, elevations, and schedules must be submitted to the ARC for review in accordance with the procedures and submission requirements specified in Step One above. The Applicant is encouraged to submit changes at the earliest possible time to avoid project delays.

Step Five: Final Review & Approval

According to the recorded Declaration of Protective Covenants, upon submittal by the Builder or Owner of all required documents and review fees, the ARC shall have thirty (30) days to review and respond to the applicant's request. However, the ARC shall in all cases attempt to return to the applicant an approval or denial within seven (7) working days of the date of the applicant's submittal.

INSPECTION AND ENFORCEMENT

1. Inspection

The ARC shall have the right to enter upon and inspect any property at any time before, during and immediately upon completion of any work.

2. Enforcement

All Owners should review the Declaration in order to ascertain the board discretionary rights and remedies provided to the ARC and the Association in the event of any noncompliance with any of the provisions of the Declaration or these Standards.

Failure to obtain ARC approval of all plans and specifications shall be subject to injunctive relief as well as the recovery of damages by the ARC and the Association.

If the ARC determines that any improvement was not constructed in substantial compliance with the approved plans and specifications for the same, the ARC and/or the Association may remedy or remove the improvement and all costs incurred in connection herewith shall be charged to the owner of such lot.

The ARC intends to enforce each and every rule, regulation, and guidelines set forth herein but at its discretion may wave, omit or allow the same, any rule, regulation, step or requirement set forth herein. However, the before mentioned shall not relieve the builder or homeowner of its obligation to conform to the design guidelines and concepts for construction set forth by the ARC. Notice of any violation of the same will be sent to the responsible party and property owner specifying these items not in compliance. The responsible party shall have five (5) working days to correct such situation. If such situation is not corrected to the satisfaction of the ARC, the ARC shall have the right to exercise any and all of the rights and remedies afforded to it in these guidelines and in the Declaration.

DESIGN GUIDELINES

In order to explain the review process and what is required for plan approval, the ARC has developed these Architectural and Landscape Architectural Standards and will use these Standards in reviewing all construction activities, but may consider individually the merits of any construction project due to special site conditions.

PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION RELATED ACTIVITY INCLUDING, WITHOUT LIMITATION, THE SITTING OF ANY DWELLING OR THE CLEARING, GRADING, EXCAVATING OR OTHER CONSTRUCTION RELATED ACTIVITIES ON ANY LOT, THE PLANS AND EXTERIOR SPECIFICATIONS FOR SUCH DWELLING MUST BE APPROVED BY THE ARC.

BUILDING DESIGN/CONSTRUCTION – In accordance with the recorded Declaration of Protective Covenants, Conditions and Restrictions for Deer Creek, any improvements on a residential lot in Deer Creek will be made only by a Builder or Contractor approved by the ARC.

DESIGN THEME – Shall be traditional in keeping with overall theme of development. Acceptable designs are not limited to, but do include the following: Williamsburg, Georgian, Federal, Southern Colonial and French Colonial.

ACCESSORY STRUCTURES – No more than one (1) detached single family residential dwelling shall be erected on a homesite. The ARC may approve accessory structures (such as garages, gazebos and the like) that are detached from a main residential dwelling so long as they are not erected prior to construction of the main residential dwelling and are not intended to be held for lease. No detached storage building will be constructed unless it is compatible with the design of the dwelling and meets all of the guidelines set for by the ARC.

MINIMUM BUILDING SIZE – The minimum square footage is determined in advance by the ARC and stated on the plat.

SETBACK LINES – The minimum building line is determined in advance by the ARC and is stated on the plat.

EXTERIOR MATERIALS – Finish building materials shall be applied consistently to all sides of the exteriors of buildings. Recommended materials shall be brick, stone, stucco, wood, E.I.F.S., or other approved material. The use of vinyl siding for eaves and soffits is acceptable.

EXPOSED CONCRETE WALLS/FOUNDATION WALLS – Exposed concrete block or poured concrete foundations and site retaining walls shall be covered with stone, brick, siding, E.I.F.S., stucco or landscaped to complement the principal materials of the dwelling, to the extent that a maximum of 6” exposed slab may be visible.

ROOF – Roof slopes shall be a minimum of 8 in 12, unless otherwise approved by the ARC. Roofing grade requirements shall be made specific in each neighborhood by the ARC and/or by recorded plat restrictions for that neighborhood.

HEIGHT LIMITATIONS – No dwelling shall exceed three and one-half (3-1/2) stories in height as measured from the lowest finish grade on the front elevation of such dwelling.

ROOF OPENINGS – All roof openings, vent and fan locations and any other roof opening excluding chimneys should open from rear of house and a minimum of roof penetrations is encouraged. However, building code requirements will take precedent to ARC recommendations.

WINDOWS/DOORS – All windows, sliding glass doors and patio doors shall have Colonial or Traditional Style muntin or lite patterns and shall be wood, vinyl or metal unless other alternatives are specifically approved by the ARC. Reflective glass is prohibited.

CHIMNEYS – Any exposed portion of a chimney outside of the building that is enclosed shall be constructed solely of brick, stone, siding, E.I.F.S., stucco or other approved material. Enclosure of chimney flues shall be required in specific neighborhoods by the ARC through guidelines and/or plat restrictions.

GARAGES AND CARPORTS – Garages and carports should open from side or rear unless otherwise approved the ARC. Garage doors, automatic door openers and service doors shall be maintained in a useful working condition and shall be kept closed when not in use.

The use/construction of a garage for each home is recommended, however not required. Where a carport or garage is not constructed, the ARC may require substantial screening through landscaping and/or fencing.

PARKING – Homeowner must provide for off-the-street parking for all vehicles. No prolonged on-street parking is allowed.

WINDOW AIR CONDITIONING UNITS – No window air conditioning units shall be permitted where visible from any adjoining property.

DOORS –Aluminum screen or and/or storm doors on the front of any dwelling shall be discouraged.

DRAPES, CURTAINS & SHUTTERS – As viewed from the exterior, any drape, curtain or any other similar element shall be compatible in color and style with the exterior of the building and surroundings. Appropriate window treatments shall be used on all windows. Sheets, bed linens, blankets and paper or plastic bags are not appropriate window treatments.

LIGHTING – All exterior lighting shall be consistent with the character established and be limited to the minimum necessary for safety, identification and decoration. Exterior lighting of buildings for security and/or decoration shall be limited to up lighting or down lighting and the style and type of lighting shall be compatible with the building design and materials. No color lens or lamps allowed for permanent lighting. Decorative lighting (i.e. Christmas decorations) guidelines shall be established by the ARC.

SITE IMPROVEMENT STANDARDS

1. **General Site Guidelines**

- a. **Site Planning:** The placement of a home on its lot is critical and important in the design decision. Each home site should be subject to an individual site survey. A study of the design opportunities of the site should be taken into consideration. This study involves:

- Walking the site, locating the best views to and from the home site while noticing the relationship to adjacent home sites and structures.
- Note the dominant solar orientation and prevailing winds.
- Know the soil conditions, vegetation types and qualities and any other special site features.

In addition, all site planning should consider the existing natural environment on such home site which includes:

- Existing trees, plant life, wildflowers
- The natural terrain of the home site
- Drainage; both natural and constructed

Following the approval of the plans and exterior specifications for a dwelling, the ARC may approve the actual site location of the dwelling by rough stakeout.

- b. **Building Setbacks**

Minimum building setback lines shall be established for all dwelling either:

- By the ARC
- In the deed to such lot
- No building or dwelling shall be constructed within such setback area

- c. **Easements**

Landscaping and the building of driveways and the installation of mailboxes within utility easements is permissible, but is the responsibility of the property owner, if in the future there is a need to remove the same for access to such utilities. All portions of the development, including home sites, are subject to the various easements described in the Declaration and plat.

d. Temporary Improvements

No temporary building or structure shall be permitted on any home site. If construction trailers will be utilized during construction of the primary residence, ARC approval must be obtained concerning design, appearance and location of the same.

e. Signage

The location, color and shape of any signage, banners, flags or advertising posters shall be subject to approval by the ARC.

f. Seasonal / Holiday Decorations

The location and amount of holiday decorations and lighting should be limited to the extent that it does not affect the health, safety, welfare and property of Deer Creek residents. Furthermore, it should not cause a distraction to surrounding properties, traffic flow or residents. Decorations for holidays may be placed 30 days prior to an event and must be removed within 30 days after an event. Illuminated ornaments or lawn structures are considered seasonal / holiday decorations and must be installed and removed in accordance with ARC guidelines.

g. Drainage

All drainage ditches, cuts, swales, streams, impoundments; all mounds, knolls, berms, dams; all roofs, valleys, gutters, overhangs; all drives, sidewalks, patios, pouches; all landscaping and site improvements shall be constructed in such a manner that they comply with the drainage plan and concept of the developers' engineers and in such manner that they comply with the law. All drainage improvements and before mentioned should be constructed in such a manner that it enhances surrounding building sites as well as the site on which it is situated. Builder is responsible for implementing and maintaining all necessary BMP specifications during construction. Builder does hereby indemnify the ARC against any losses, damages, fines, costs and expenses paid or incurred as the result of not implementing and maintaining necessary BMP specifications.

2. **Site Specific Guidelines (all items are subject to approval or denial)**

- a. Fencing material must be approved by the ARC. Fencing in front yards is prohibited. The ARC will enforce set fencing guidelines for each plat. Approved Deer Creek fences include a six (6) foot in height traditional shadowbox or a four (4) feet in height fence that is constructed such that fifty percent (50%) of the structure is open. Fencing requirements are plat specific. All approved fence installation shall be completed within three (3) weeks from the date construction of such fence commences.
- b. Chain link fencing of any kind or use is not permitted. However, vinyl coated chain link fencing may be used if property screened and approved by the ARC in advance.
- c. All swimming pools will be permitted only with approval by the ARC. No semi-permanent above ground pools will be allowed.
- d. Compressors for central air conditioning units shall be sited, to the extent practicable, at the rear of the home and in a location which will not cause a nuisance to neighbors or to the use of active areas on site. No window mounted heating or air conditioning units shall be allowed. Compressors shall be screened by landscape. Generators shall be used for temporary purposes only and must be sited, at the rear of the home in a location which will not cause a nuisance to neighbors or to the use of active areas on site.

Utility meters shall not be located on the front of the residence.

No on-site storage of gasoline, heating or other fuels shall be permitted on any part of the properties. Exception is allowed for up to five (5) gallons of fuel which may be stored on each unit for emergency purposes and operation of lawn mowers and similar tools or equipment.

- e. Play equipment shall be located where it will have a minimum visual impact on adjacent properties. It is recommended that all basketball goals shall be mounted on black poles and have clear plexiglass or acrylic backboards. Placement of all play equipment and basketball goals is subject to approval by the ARC.
- f. Outdoor dog houses, freestanding play houses and detached storage buildings will be subject to the approval of the ARC and shall be located where items will have a minimum visual impact on adjacent properties. Construction of all approved dog houses, freestanding play houses and detached storage buildings shall be completed within five (5) weeks from the date construction of such item commences. Proper screening will be required. Dogs will not be allowed to roam unattended beyond the boundaries of the owner's property and owners shall comply with the City of Montgomery leash law.

- g. Exterior hot tubs shall be screened from view from adjacent properties and streets and placement of such will be subject to the approval of the ARC.
- h. All exterior lighting is subject to the approval of the ARC.
- i. Landscaping shall relate to the existing terrain and natural features of the lot, utilizing plant materials native to the Southeastern United States. All landscaping is subject to the approval of the ARC.
- j. Mailboxes must be uniform, as approved by the ARC. Mailboxes shall contain the street number, as approved by the ARC, but no further inscription, painting, ornaments, or artistry shall be allowed. The addition of tubes or other containers for delivery of newspapers is prohibited. Mailboxes must be properly maintained; remaining free of rust and damage. Mailboxes may be replaced only with units approved by the ARC.
- k. No satellite dishes, radio and television antennae, radio receivers, solar devices, or other similar devices or aerials shall be attached to any lot or any dwelling situation on a lot without prior written approval from the ARC. Wires and cables, including those installed to convey radio or television signals, shall be hidden or buried so as to minimize their visibility to adjacent properties.
- l. All driveways and sidewalks shall be constructed of concrete. The color and composition of the concrete to be utilized shall be approved by the ARC. Other material (e.g. brick or exposed aggregate) may be used, but only if approved by the ARC. No driveways will be located next to an adjacent driveway unless a minimum of ten (10) feet of natural of landscaped areas is provided between driveways. Driveway extensions and/or expansions are subject to the approval of the ARC.
- m. Outside clothes lines or other facilities for drying or airing clothes are prohibited unless screened by appropriate landscaping or fencing, as required by the ARC. Barbecue grills and other types of outdoor cooking equipment shall be located out of view from the street.
- n. Trash containers shall be located at the rear of the dwelling and must not be visible from the street.
- o. Freestanding flagpoles are not permitted without approval from the ARC. American Flags may be displayed so long as flag etiquette is observed.
- p. Remodeling and additions to existing improvements shall follow the same criteria as new construction. Including, but not limited to, decks, porches,

patios, arbors, trellis, pergolas and sunrooms. Improvements are subject to approval by the ARC.

- q. Any accessory structures are subject to approval by the ARC in the manner set forth above.
- r. Approval will be required for ALL exterior decorative objects, whether natural or manmade, which were not part of the original construction design, either as a standard or optional feature. Examples include: bird baths, birdhouses, frog ponds, decorative flags, driftwood, weathervanes, flag poles, lawn sculptures, fountains, house identification numbers, birdhouses, rock gardens or similar types of accessories and lawn furnishings. Use of lawn ornaments in the front yard is strongly discouraged. ARC, at its discretion, can limit the number of exterior decorative objects.
- s. Wood piles shall be located only at the rear of a dwelling and shall be screened by appropriate landscaping from view from streets and, to the extent practicable, from adjacent Lots and Dwellings.
- t. Gutter drains. If gutters are added, downspouts are to be located to provide a clean, unobtrusive appearance, terminated by either splash blocks or other erosion control devices. Gutters and downspouts must be integrated with architectural design in color, shape and location. Roof drainage which will ultimately create erosion or run across pedestrian walkways and paths is not permitted. Drain pipes tied into rain gutter downspouts must be completely hidden from view. Plant shrubs or ground cover large enough and dense enough to hide such pipes. Use splash blocks where practical. ARC approval must be obtained, prior to installation of such drains.
- u. Security Bars. In general, the use of security bars or grates on windows and doors will be prohibited. Exceptions may be made where the security apparatus will not be visible from the street and from adjoining properties. Homeowners concerned about the security of their homes are advised to consider alternatives, including alarms and sophisticated lock systems.
- v. Solar panels are prohibited. The installation of solar panels is subject to approval by the ARC.
- w. No water pipes, gas pipes, sewer pipes, drainage pipes or clotheslines may be installed or maintained on the property so as to be visible from adjoining property or public view, except hoses and movable pipes used for temporary irrigation purposes.

3. **Landscape Design Guideline Standards**

All Owners, to the extent practicable, shall preserve existing trees, plant life, wildflowers and the natural environment which exist on each homesite. All front and side yards shall be landscaped pursuant to a landscaping plan approved by the ARC.

- a. Front, sides and rear yards shall be sodded. Any areas to be treated as a natural area are subject to the ARC for approval, prior to installation.
- b. Vegetable, herb and similar gardens shall not be planted or maintained with visibility from the street front or back.
- c. All landscaped material, shrubs, trees and grass shall be well maintained. Any landscaping, plant life, trees or shrubbery which dies or becomes diseased must be promptly replaced with comparable plant life. Dead trees, as certified as such by the ARC, must be removed from all homesites. Exceptions may be made if the ARC determines that the removal of such trees have an impact on the surrounding environment.
- d. Lots are to remain free of debris and litter and landscaping / lawns should be mowed, trimmed, fertilized and watered as needed.
- e. All efforts will be made to preserve and retain trees four (4) inch caliper and greater and outside ten (10) feet of the structure, driveway and walk.
- f. Preserve desirable views while retaining existing vegetation for privacy.
- g. Select a variety of plant material that adds color and textural interest in fall, spring, and summer. The planting of native shrubs and trees is encouraged.
- h. Proposed trees must be two (2) inch caliper or greater. Proposed shrubs shall be one (1) gallon size containers or larger.
- i. No artificial plants, grass, etc. will be allowed.
- j. Each owner shall maintain its respective property in good repair and in a well-kept manner. Further, it shall be the responsibility of each owner to maintain the landscaping located on its respective property, including but not limited to cutting and edging the grass, trimming and pruning of trees, shrubs, hedges and bushes, and weed control, as needed. Should any owner fail to so maintain its respective property in the sole and absolute determination of the ARC and/or the Association, the ARC and/or the Association shall have the right, upon not less than fifteen (15) days prior written notice to the owner, to enter the property and perform, at the sole

cost and expense of the owner, such maintenance as the ARC and/or the Association may deem appropriate.

4. **Construction Guidelines**

- a. During construction of any improvements to a homesite, construction equipment and vehicles as well as the vehicles for all builders, subcontractors, laborers and suppliers shall utilize off-street parking and enter the homesite only from the driveway for such homesite whenever practical. In no event shall the road-ways within the development be congested with on-street parked vehicles. No dirt, mud, gravel or other substance shall be allowed to collect or remain on any streets and the same shall be removed from the treads and wheels of all vehicles used in the implementation as such construction prior to traveling on the streets within the development. No construction trucks, equipment, machinery or trailers shall be parked overnight on any streets or roads within the development and shall be immediately removed from the homesite upon completion of construction.
- b. All Owners or Owner's construction personnel may be required to enter and leave through a designated entrance, as determined from time to time by the developer.
- c. Owner is required to keep the job site as neat and clean as possible. Trash and discarded materials such as lunch bags, cans and odd materials shall be removed daily. All debris, stockpiles for removal and construction materials should be located at the rear of the residence. Stockpiling of trash or any other material on adjacent lots or streets is not permitted. Construction trash, debris, and rubbish shall be disposed of outside of the development at least weekly. Used construction materials may be burned on-site, if allowed by the city and so long as the same does not cause a nuisance to other property owners. Material must be contained in a minimum 55 gallon drum. No burning shall be allowed in the front yard areas of a dwelling. In no event shall construction materials whether used or new, be buried on or beneath the home site, on any portion of the lot or on any other portion of the Deer Creek development. If trash or debris on a job site becomes a noticeable problem, in the sole discretion of the ARC, the ARC may, if the same is not removed within five (5) days after written notice thereof, remove the same and the cost thereof charged to the property owner.

Each owner shall be responsible for the acts of his employees, all subcontractors, suppliers and other persons or parties involved in the construction or operation of a homesite. Such responsibility shall include:

- Prohibiting the consumption of alcoholic beverages, the use of illegal drugs or other intoxicants that can hamper the safety or well being of other personnel on the site or affect the quality of workmanship.
 - Insuring that the construction site is kept clean and free of debris and waste materials.
 - Insuring that mud, dirt, gravel and other construction materials are not left on, deposited on or accidentally dropped onto any of the roadways within the development.
 - Prohibiting all employees, contractors, subcontractors and suppliers from entering any portion of the lake, disturbing or destroying any of the land, facilities or amenities on a lake.
- d. Property erosion control is the responsibility of the contractor and / or the homeowner. Adequate silt fencing and gravel at the entry drive must be properly installed and maintained. All streets shall be kept free of mud, silt, and debris from erosion and construction traffic. Natural drainage channels should be maintained undisturbed, to the extent possible, and remain free of trash or debris. Deer Creek Best Management Practices Manual for erosion control should be followed.
- e. Portable toilets are the responsibility of the contractor and / or homeowner. Owner shall require all employees and subcontractors to utilize the same. Location of such toilets should be in accordance with the Deer Creek Best Management Practices Manual.
- f. Washing of trucks, vehicles and other machinery and equipment on the streets is not permitted. The washing of concrete delivery trucks must be on the construction site. The established speed limit within the entire development is twenty-five (25) miles per hour for all vehicles and must be obeyed by all parties entering the development.
- g. All vehicles entering or leaving the development shall be subject to inspection and/or searched. Such inspection or search shall not be forced but if the operator does not wish to comply, then the operation of such vehicle shall not be allowed within the community in the future.
- h. Damage to streets, curbs, drainage, inlets, street lights, markers, signs, sign poles, mailboxes, walls, fences and any other portions of the development will be repaired by the Developer or the ARC and the cost of the same shall be billed to the responsible Owner.

- i. If any telephone, cable television, electrical, water, gas, or other utility lines are cut, it shall be the responsibility of the Owner to bear the cost of reinstallation.
- j. Loud radios or noise shall not be allowed. Normal radio levels are acceptable. Only bona fide workers shall be allowed within the development. Children under the age of 18 will not be permitted on the work site unless accompanied by and under the supervision of an adult. No contractor or service personnel will be permitted to bring pets on the property.
- k. No signage, building permits or other forms of advertisement of any nature shall be attached to any trees or street lights. Building permits must be displayed in accordance with the City of Montgomery building requirements.

THE AFOREMENTIONED STANDARDS ARE SUBJECT TO MODIFICATIONS BY THE ARC WITHOUT NOTICE. (adj0806jma)