

ASHETON PARK AT NORTHLAKES DESIGN REVIEW AND CONSTRUCTION GUIDELINES

The purpose of these guidelines is to assure each owner and builder that Asheton Park at NorthLakes will be developed and constructed as a planned community containing quality homes and buildings: that are architecturally, and aesthetically pleasing; that are harmonious with surrounding structures and topography; and that have landscaping and other site improvements consistent with the aesthetic quality of NorthLakes as a whole.

Much effort has been taken in the development of these guidelines to assure an aesthetic harmony in Asheton Park at NorthLakes. These guidelines do not include all building, use and other deed restrictions associated with Asheton Park, and accordingly, owners and builders should each familiarize themselves with provisions of the Declaration of Covenants, Conditions and Restrictions, and the rules and regulations of the Asheton Parks at NorthLakes Property Owner's Association, Inc. The inclusion of any recommendation in these Guidelines shall not preclude the Design Review Committee's rights to disapprove any proposed matter for any reason.

DESIGN REVIEW COMMITTEE

The Design Review Committee has been authorized and empowered to review and approve, modify and reject all plans and specifications and the construction of all structures and other Improvements proposed for any part of the Property.

The Design Review Committee consists of three (3) or more members who may or may not be members of the Board of Directors. Each member of the NorthLakes Design Review Committee shall be appointed by the Board of Directors. The Design Review Committee may contain individuals who have no ownership in the project, for example: a professional architect or designer may serve on the Design Review Committee and assist in reviewing specifications of building and landscape designs. In order to establish, promote and preserve an appropriate aesthetic character of the property, and the natural setting, planting and beauty of the property, and to protect and promote the value of the Property no Improvements of any nature shall be commenced, erected, installed, placed, moved onto, altered, replaced, relocated, permitted to remain on or maintained on any Lot that may affect its exterior appearance, unless plans and specifications for such work have been submitted to and approved by the Design Review Committee. Further, in order to preserve, to the extent practicable, the natural landscaping and plant life situated on the Property and in order to enhance the aesthetic appearance of the Property, no tree cutting, landscaping, grading, excavation, or fill work of any nature shall be implemented or installed unless and until landscaping plans for such work have been submitted to and approved by the Design Review Committee.

DESIGN REVIEW SUBMITTAL PROCESS

The Submittal Process is a simple procedure of following the requirements outlined in these Standards. Submittals shall be presented to the Design Review Committee in two stages of the design of all Improvements.

Concept Approval. An owner or builder will submit preliminary of conceptual drawings and specifications and other information to the Design Review Committee for Concept Approval prior to the preparation and submission of detail plans and specifications for Final Approval. Concept Approval is mandatory and is provided for the convenience of owners and builders in order that they may accomplish a timely and thorough preparation and ultimately receive final approval of their construction. A Concept Approval given by the Design Review Committee shall not constitute approval for the commencement of construction. Required submittal for Concept Approval of any construction shall include a set of the following, which shall be designed by an Architect or person of similar competency:

(a) Concept Development and Landscape Plan showing approximate locations and dimensions of all

work.

(b) Concept Floor Plan and Exterior Elevations.

(c) Such other information, data and drawings as may be reasonably requested by the Design Review Committee.

Final Approval. No construction of a building or structural improvement; no landscaping or other site improvement; and no alteration or addition to any existing structure or site improvement shall be made on any Lot until the plans and specifications for same shall have been submitted to and shall have received Final Approval from the Design Review Committee. It is the responsibility of the owner to submit sufficient exhibits to demonstrate compliance with standards and requirements of these guidelines in accord with the Declaration of Covenants, Conditions and Restrictions. Such exhibits shall be in the form of two (2) copies of plans and specifications and related information for all proposed Improvements, which shall include the following, accurately prepared and dimensioned, and submitted in 8-1/2" x 11" format (or suitable multiple thereof):

(a) A landscaping plan, at a scale no less than 1" = 20'.

(b) A site development plan, at a scale no less than 1" = 20', indicating the location of any and all improvements, including, specifically, any structure(s), the location of all driveways, walkways, decks, terraces, patios, and outbuildings and the relationship of the same to any applicable setback requirements and easements.

(c) A foundation plan, floor plans, and exterior elevation drawings of the front, back, and sides of the structure to be constructed, at a scale no less than 1/8".

(d) Written specifications and, if requested by the Design Review Committee, samples indicating the nature, color, type, shape, height, and location of all exterior materials to be used in the construction of the structure on such Lot or any other Improvements thereto.

(e) The lighting plan, including specifications, for any exterior lighting.

(f) Such other plans, specifications or other information or documentation as may be required by these guidelines or the Design Review Committee.

INSPECTION AND ENFORCEMENT

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

Enforcement. All owners and builders should review the Declaration in order to ascertain the broad discretionary rights and remedies provided to the Design Review Committee and the Association in the event of any noncompliance with any of the provisions of the Declaration or these Standards. Failure to obtain Design Review Committee approval of all plans and specifications shall be subject to injunctive relief as well as the recovery of damages by the Design Review Committee and the Association. If the Design Review Committee determines that any improvement was not constructed in substantial compliance with the approved plans and specifications for the same, the Design Review Committee or the Association may remedy or remove the improvement and all costs incurred in connection therewith shall be charged to the owner of such lot.

Intent. The Design Review Committee intends to enforce each and every rule and regulation set forth herein and in the Declaration. Notice of any violation of the same will be sent to the responsible party and property owner specifying those items not in compliance with these rules and regulations or any of the provisions of the Declaration. The responsible party shall have five (5) working days to correct such situation. If such situation is not corrected to the satisfaction of the Design Review Committee, the Design Review Committee shall have the right to exercise any and all of the rights and remedies afforded to it in the Declaration. Such action may include charging the property owner for the corrections done by the Design Review Committee, withholding architectural review or approval until the violations are amended, and denying entry to contractors or personnel to the development thereby preventing work within the community or otherwise seeking injunctive relief to use such violation to be permanently removed.

Appeal. If an application for Concept Approval or Final Approval has been denied, or if an approval is

subject to conditions which an owner or builder feels are harsh or unwarranted; or if there are disputes to any other matter related to actions of the Design Review Committee, the owner or builder may request a hearing before the Board or the Association. At the hearing, the owner or builder will be allowed to present his position on the matter and make requests or recommendations as to an alternative action. After the hearing the Board will review the information presented and notify the owner or builder of its final decision on the hearing. The decision of the Board regarding the matter shall be final.

DESIGN AND CONSTRUCTION GUIDELINES

The Design Review Committee will employ the following guidelines in reviewing applications. They are not intended to be all inclusive. Additional provisions of the Declaration also describe, limit, restrict, and otherwise set forth additional design criteria, and the Design Review Committee may from time to time, at its discretion, add to or otherwise modify these standards and guidelines. It may also consider individually the merits of any construction project due to special site conditions.

Design Theme. Construction in Asheton Park shall have a traditional style in keeping with its overall theme. Acceptable designs are not limited to but 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 Lot The Design Review Committee may approve accessory structures (such as garages, gazebos, guest houses and the like that are detached from a main residential structure so long as they are not erected prior to the main residential structure and are not intended to be held for lease.

Remodeling and Additions. All remodeling and additions must follow the same criteria as new construction and require the Design Review Committee's same review and, approval process.

Exterior Materials. Recommended materials shall be brick, stone, stucco, wood or other 'approved material. No simulated brick or stone will be permitted. Exposed concrete block or poured concrete foundations and site retaining walls shall be covered with stone, brick, siding, or other approved material to complement the principal materials of the structure.

Roof Designs and Materials. Primary residential roofing materials shall be cedar shakes, dimensional composition shingles, slate, standing seamed metal or flat tile in colors and textures which complement the balance of the colors and materials selected for the principal structure. Composition shingle roofing shall be at least equal to Chelates DIM IV, or Taco Heritage 25 year dimensional shingles.

Roof Openings. All roof openings, vent and fan locations and any other roof opening excluding chimneys must open from the rear of the principal structure unless otherwise approved. There shall be a minimum of roof 'penetrations; stacks and plumbing vents shall be placed on the rear slopes of roofs.

Colors. Principal colors for siding, stucco, trim, gutters, and downpours shall be confined to lighter earth tones which are compatible with the natural environment Stucco and synthetic stucco shall be painted or integrally colored. Sheet metal and PVC work, such as roof caps, flashing, plumbing vents, and chimney caps shall be painted to match the roof colors.

Chimneys. Chimneys shall be built in place or framed to receive prefabricated, fireplaces and flues and shall not appear cantilevered from the unit. They shall be continuous to finish grade unless waived by the Design Review Committee. Chimneys shall be constructed of brick, stone, or stucco, but may be constructed of siding if the chimney is not visible from the street Pre-fabricated chimney flues shall be concealed by a metal surround at the top of the chimney.

Garages and Carports. Garages and carports shall be located to the side or rear of the lot, shall open to the side or rear, and must have at least one solid wall. Carports shall not face any street.

Windows and Doors. No metal doors or windows, and no screen doors, shall be utilized on the front side of any structure. Metal clad windows will be allowable. Appropriate window treatment shall be utilized on all windows. Cantilevered bay windows may be approved by the Design Review Committee. No reflective glass, foil or other reflective material shall be used.

Pools, Tennis Courts and Recreational Equipment. Swimming pools, tennis courts and all recreational equipment must be located in the rear lot, with minimal viewing by adjacent property owners.

Signs. During construction, two (2) signs, whose maximum dimensions shall each be 2' x 2' x 2" ,,may each be posted on a single stake at a total height not to exceed five feet (5') from ground level, advertising the site for sale or identifying the building. The location, color, and shape of any such sign age shall be subject to approval of the Design Review Committee.

Utilities. Compressors for central air conditioning units shall be sited at the rear of the structure and in a location which will not cause a nuisance to neighbors or to the use of active areas on site. Compressors shall be screened by landscape or architectural treatment Window mounted air conditioning or heating units and solar devices must not be visible from any adjacent Lot or street. Utility meters must be located, to the extent practicable, so as not to be visible from any street.

Fences, Walls and Screens. All fences, walls and screens must be approved by the Design Review Committee. Fencing in front yards is prohibited.

Lighting. All exterior lighting shall be consistent with the character established in Asheton Park 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. Only white lamps shall be allowed except during the Christmas season.

Landscaping and Planting. Any Lot which' shall have been altered from its natural state, shall be landscaped according to plans approved by the Design. Review Committee. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, property cultivated and free of trash and other unsightly material. 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 Design Review Committee, must be removed from all home sites. Exceptions may be made if the Design Review Committee determines that the removal of such trees may have a significant adverse impact on the surrounding environment

GRADING, TREES AND WATERSHED PROTECTION

Owners and builders are reminded of the provisions of Article VI of the Declaration of Conditions, Covenants and Restrictions, and especially the following in regard to grading, construction and landscaping activities and their impact on trees and watershed protection:

Trees. Unless located within ten (10) feet of a dwelling or three (3) feet of any driveway or sidewalk, no one shall cut, remove, or mutilate any tree, shrub, bush, or other vegetation having a trunk diameter of four (4) inches or more at a point two (2) feet above ground level, without first obtaining approval of the Design Review Committee. In the event such a tree is cut without prior approval, it shall be replaced, on the same Lot and at the expense of the owner or builder, with three trees of at least four (4) inch diameter at a point two (2) feet above ground level, within a period of two (2) months.

Landscaping. The landscaping plan for each Lot shall, to the extent practicable, attempt to incorporate the natural plant life existing on such Lot and shall otherwise take such steps which would, to the extent practicable, preserve the existing trees, plant life, wild flowers, and natural environment, including natural drainage channels. In addition to the foregoing, all construction should be planned and executed in such a manner as to minimize the amount of area disturbed on any lot at any one time.

(a) No drainage ditches, cuts, swales, streams, impoundments, ponds or lakes; no mounds, knoll, dams or hills; and no other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns may be created, destroyed, altered or modified without the prior consent of the Design Review Committee.

(b) Roofs, drives and walks shall drain onto pervious surfaces to the extent possible.

(c) Drainage swales shall be located along back lot lines where possible. Additional drainage swales that may be required shall be grassed to promote infiltration and eliminate soil erosion.

(d) To the extent possible, disturbed areas left inactive for more than twenty-one (21) days should be stabilized by grassing or mulching. Soil piles shall be placed as far away from impervious areas as possible and stabilized by covering or seeding if the same will be left in place for more than twenty-one (21) days.

- (e) Lots adjacent to a lake or stream shall require additional measures to be used to reduce to a minimum the possibility of sheet flow from disturbed areas.
- (f) All off-site water shall be routed around areas to be disturbed or graded.
- (g) Drain inlets within or adjacent to disturbed areas of construction shall be protected with hay bales. Silt fences and/or hay bales are required on the downstream side of all disturbed or graded areas. All disturbed areas shall be stabilized by mulching, seeding, or sod as soon as practicable. Silt fences and other erosion control devices should be inspected at least monthly and after all severe rains, and replaced or repaired promptly as necessary.
- (h) The main construction access drive to each Lot shall be covered with aggregate to reduce tracking.
- (i) Each owner and builder shall follow guidelines contained in the publication, Best Management Practices for Controlling Erosion from Construction Activities as site conditions warrant.

CONSTRUCTION PROCEDURES

Prior to commencement of any construction related activity, including, without limitation, clearing, grading, excavating, or other construction related activities on any lot, the plans and exterior specifications for same must be approved by the Design Review Committee.

- (a) During construction of any improvements construction equipment and vehicles as well as the vehicles for all builders, subcontractors, laborers, and suppliers shall utilize off-street parking and enter the lot only from the driveway for such Lot. In no event shall the roadways within the development be congested with on-street parked vehicles.
- (b) 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 Lot upon completion of construction.
- (c) No dirt, mud, gravel, or other substances 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 of such construction prior to traveling on the streets within the Development
- (d) Owners and builders are 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. In no event shall construction materials, whether leased or new, be buried on or beneath any portion of the Lot or on any other portion of the development. If trash or debris on a job site becomes a noticeable problem, in the sole discretion of the Design Review Committee, it 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.
- (e) Each owner and builder shall be responsible for the acts of his employees, all subcontractors, suppliers and other persons or parties involved in the construction or operation of all improvements. Such responsibility shall include:
 - (i) 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.
 - (ii) Insuring that the construction site is kept clean and free of debris and waste materials.
 - (iii) 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
 - (iv) Insuring that all of the provisions of these Architectural Standards are fully complied with in all respects.
- (f) Proper erosion control is the responsibility of the contractor. 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.

- (g) Portable toilets are the responsibility of the owner and builder, who shall require all employees and subcontractors to utilize the same.
- (h) Washing of trucks, vehicles, and other machinery and equipment on the streets are not permitted. The washing of concrete delivery trucks must be contained within the construction site. The established speed limit within the property is twenty-five (25) miles per hour for all vehicles and must be obeyed by all parties entering the property.
- (i) All vehicles entering or leaving the property shall be subject to inspection and/or search. Such inspection or search shall not be forced but if the operator does not wish to comply, then the operator of such vehicle shall not be allowed within the property in the future.
- (j) Damage to streets, curbs, drainage, inlets, street lights, markers, mailboxes, walls, fences, and any other portions of the development will be repaired by the Design Review Committee and the cost of the same shall be billed to the responsible owner or builder.
- (k) If any telephone, cable television, electrical, water, gas, or other utility lines are cut, it shall be the responsibility of the owner or builder to bear the cost of reinstallation
- (l) Only bona fide workers shall be allowed within the development. Children 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. Loud radios or noise shall not be allowed; normal radio levels are acceptable.
- (m) The Design Review Committee shall have the right to require that a construction bond or deposit in the amount to be determined by the Design Review Committee for clean-up of the home site be given by each owner or builder. Such bond or deposit shall be forfeitable if a contractor fails to comply with all of the terms and provisions of these Standards and may be used by the Design Review Committee to correct any such violations.

ENFORCEMENT AND REMEDIES

Owners and builders are once again reminded of the provisions of Article XI of the Declaration of Conditions, Covenants and Restrictions in regard to enforcement of the provisions of these Design Review and Construction Guidelines and any plans approved by the Design Review Committee.

The Design Review Committee and the Asheton Park at NorthLakes Property Owners Association are empowered, in the event of violation of these guidelines or approved plans, to:

- (a) Enjoin any further construction on the Lot in question, and require the removal or correction of any work in place that does not comply with these guidelines or the approved plans or specifications;
- (b) Enter upon the Lot in question and take all corrective action that may be necessary. In the event either of these actions is necessary, any and all associated costs and expenses shall be paid by the owner, shall constitute an assessment and lien to the owner and, if not paid in accord with the provisions of the Declaration, shall subject the Owner and Lot to foreclosure.

CERTIFICATION

As Secretary of the Design Review Committee of the Asheton Park at NorthLakes Property Owners Association, Inc, I do hereby certify that the foregoing is a true and complete copy of the Asheton Park at NorthLakes Design Review and Construction Guidelines as submitted at, read to, and adopted as same at the first meeting of its Members, held on the date written below, and that the same are now in full force and effect

May 14, 1993
Secretary