

FOXCHASE RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL AND CONSTRUCTION STANDARDS

PREFACE

FOXCHASE Subdivision is designed for exclusive single-family homes to be planned, designed, and constructed in such a fashion to insure an aesthetically pleasing atmosphere and preserve the beauty and value of the properties involved.

A Design Review Board ("DRB") has been established to review all construction, designs, and plans for each dwelling and other improvements to be made within the Foxchase subdivision community.

DESIGN REVIEW PURPOSE

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

- \* The aesthetic impact of design, construction, & development.
- \* The architectural style and design.
- \* Colors, textures, materials.
- \* Height, bulk, proportions.
- \* Landscaping.
- \* Overall impact on surrounding property.

It is not the intent of the DRB neither to impose a uniform appearance within the Foxchase residential development nor to discourage creativity on behalf of builders or homeowners. It is the intent of the DRB to promote and assure that all dwellings and improvements, including landscaping:

- \* are aesthetically compatible with each other.
- \* incorporate pleasing and discriminating character.
- \* are constructed to reflect the quality and craftsmanship which will enhance the value of the surrounding properties.

DESIGN AND CONSTRUCTION REVIEW PROCESS

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

All plans and exterior specifications shall be submitted for review to the DRB.

If work has not started or a continuance received by the Owner or the Owner's builder within six (6) months following DRB approval of such plans and exterior specifications, then such plans and exterior specifications shall be resubmitted for approval.

Prior to the commencement of any construction related

activities, the following plans must be submitted by each Owner or such Owner's builder to the DRB for review and approval, incorporating the following steps:

### **Step One: Architectural Drawings and Schedules**

Prior to any site disturbance (clearing, ground breaking, batter boards, etc.) the applicant shall submit one (1) set of architectural drawings and schedules for DRB review.

Submissions must include the following:

1. Building Plans preferably at the scale of 1/4" = 1'0" or larger.
  - a. All four (4) exterior elevations showing approximate finish grade line, and all roof areas and corresponding slopes.
  - b. Floor plan which provides finish floor dimensions and elevations including total heated square footage of home.
2. Exterior material, finish, and color schedule indicating:
  - a. Roofing material and the material and finishes for each building elevation (i.e., stucco, stone, brick, etc.).
  - b. Roofing color, brick and mortar selection, siding and trim colors, and any other proposed exterior colors. This schedule may be submitted as notes on the Architectural plans.
  - c. The DRB may require finish and/or color samples.
3. Site Plan - Upon request the PDI can provide an initial lot plat showing building setback lines, and easements to assist in getting started. In any case a site plan must be submitted to the DRB, preferably on a "D" size (22"x34") drawing with information below:
  - a. A footprint or specific layout of the house and garage on the site as well as locations of driveways, walks, patios, decks, site walls, exterior and outside lights and electrical boxes, utility trenches, pools, tennis courts, etc.
  - b. Setback lines, easements, clearing limits, and dimensions from front lot pins to front corners of home.
  - c. Proposed grade changes with existing trees or tree masses (6" or above @ caliper) to be removed or planted. Planting areas including plant types, and site drainage systems.

d. Location of site accessories such as mailboxes, fencing, trash container pads, lighting, play equipment; Also locations of air conditioning compressors, power meters, and irrigation systems.

### **Step Two: Staking and Permit Approval**

Before construction can commence on any lot the applicant must:

1. Stake and string the outline of the dwelling in its proposed location, and establish the proposed elevation of the first floor.
2. DRB may request flagging of property corner pins and stringing property line if needed.
3. Arrange a site inspection with the DRB representative to verify that the staking is in conformance with the approved site plan. If, after staking, the applicant or DRB representative wishes to alter the foundation location as presented in the approved site plan, alternates can be discussed at the staking meeting.
4. A letter of initial approval shall then be returned by the DRB to the Owner marked "Approved." "Approved as Noted", or "Disapproved". Only those portions of the plans and exterior specifications which have been "Approved" or "Approved as Noted" may then be submitted to the appropriate governmental authority for a building permit.

### **Step Three: Plan Changes During Construction**

All changes to the approved plans, elevations, and schedules must be submitted to the DRB 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 Four: Final Review & Approval**

A final review on-site must be scheduled for the approval of The architecture and landscape architecture requirements within one year of the date of the building permit application (As documented at the city of Opelika permit office). Upon giving the final review and approval, the DRB, upon request, shall provide the Owner with a "Letter of Compliance."

### **Inspection and Enforcement**

#### **1. Inspection**

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

## 2. Enforcement

Failure to comply with the Architectural Guidelines or Foxchase Residential Covenants will result in actions levied upon the homeowner or builder involved. These actions may include but not limited to warning letters, fines, correction of defect or violation by the Foxchase Homeowners Association or its agents, legal action, and prevention of mortgage closings due to defective certificate of completion. All Owners and the builders of all Owners should review the Restrictive Covenants in order to ascertain the discretionary rights and remedies provided to the DRB and the Association.

In the case of a covenant violation, once a violation is confirmed, the DRB shall send an initial letter to the violating Owner and/or occupant pointing out the violation and requesting compliance within 15 days of the date of the letter. The letter shall also state that the violator will only be provided with one additional letter before the matter is turned over to the Association's attorneys to compel compliance. If the initial 15 days lapse, the DRB shall send out the second letter, via certified mail, to the violating Owner and/or occupant apprising him that unless the violation is corrected within 15 days of the date of the second letter, the matter will be turned over to the Association's attorneys to compel compliance.

## DESIGN GUIDELINES

In order to explain the review process and what is required for plan approval, the DRB 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.

### A REMINDER:

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

The DRB 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.

### 1. Architectural Design Guidelines

- a. Exposed concrete block or poured concrete foundation and site retaining walls should be covered with stone, brick,

siding, or stucco to complement the principal materials of the dwelling.

b. Primary residential roofing materials shall be cedar shakes, asphalt or fiberglass shingles, dimensional composition shingles, limestone or slate, standing seamed copper, tile, or factory baked enamel architectural metal (not shiny, galvanized, or tin etc.) And in colors and textures which complement the balance of the materials selected for a dwelling. Roof pitch on the roof section of the house should be no less than 6/12. Dormers shall have a minimum roof pitch of 8/12.

c. Primary colors for siding, stucco, trim, gutters, and downspouts shall be confined to earth tones which are compatible with the natural environment.

d. Stucco and synthetic stucco shall be painted or integrally colored.

e. Sheet metal and PVC work such as roof caps, flashing, plumbing vents, and chimney caps shall be painted to match the color scheme of the dwelling. In the case of vents no exposed PVC pipe.

f. Windows, Window Treatments, and Doors:

\* Reflective glass shall not be permitted. No foil or reflective material shall be used on windows or as sun-screens, blinds, shades, or for other purposes.

\* Unclad aluminum or metal windows are discouraged but can be utilized only if factory painted units of high quality. (Brand and type must be specified on drawings)

\* No storm doors or screen doors shall be allowed on the front of any dwelling.

g. Roof stacks and plumbing vents shall be placed on the rear slopes of roofs not visible from streets.

h. Chimneys shall be constructed of brick, stone, stucco, dryvit, or siding.

i. Vertical supports for wood decks shall be a minimum 4" wood post or painted metal poles preferably boxed in.

j. Wooden steps or stoops shall not be allowed on the front side of a dwelling unless extenuating circumstances exist and at the DRB's discretion.

k. Building materials:

\* approved exterior wall materials may incorporate brick, stone, stucco, synthetic plaster (e.g., "stucco/dryvit"), solid wood siding, and hardboard siding as approved by the DBR.

\* Siding, in combination with brick, stone, stucco, or "dryvit," shall be limited to the greatest possible extent.

\* Stained wood is not permitted as an approved exterior building material. The foregoing shall not apply to front, side or back doors or decks on the rear of the dwelling.

\* Prohibited exterior finish materials shall include particle board, plywood, vertical siding, simulated brick, vinyl, and log homes.

l. Height Limitations: No dwelling shall exceed three stories in height as measured from the lowest finish grade on the front elevation of such dwelling.

m. Garages: All dwellings shall have a minimum of two (2) car garages with doors (maximum of four (4)). Carports are not permitted. No garage doors shall open onto or front a street. The materials and paint color used for garage doors shall be submitted with the plans and specifications for DRB approval.

2. General Site Guidelines

a. Site Approval: Following the approval of the plans and exterior specifications for all dwelling, the DRB shall approve the actual site location of the dwelling by rough stakeout. This must be done prior to any construction.

b. Building Setbacks: Minimum building setback lines shall be established for all dwellings either-

\* By the DRB

\* On the subdivision plat for each phase of development

\* In the deed to such lot

\* No building or dwellings shall be constructed within such setback areas.

\* All setbacks shall apply to all eaves, steps, stoops, porches, terraces, decks, and patios. Notwithstanding the foregoing, setbacks may be enlarged or decreased at the sole discretion of the DRB based on the actual sighting of the

dwelling as may be approved by the DRB.

c. Easements: Landscaping (encouraged), building of driveways and mailboxes within utility easements (discouraged) is permissible where approved, 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 the home sites, are subject to the various easements described in the Declaration.

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, DRB approval must be obtained concerning design, appearance, and location of the same.

e. Signage: During construction, two (2) signs, not to exceed six (6) square feet in area each, may be posted at a height not to exceed five feet (5') from ground level, advertising the home site for sale or identifying the builder. The location, color, and shape of any sign shall be subject to approval of the DRB. No other signage, Banners, flags, or advertising posters shall be allowed.

### 3. Site Specific Guidelines

a. Fences for rear yards must be no more than (5) feet high. No chain link or vinyl coated fences shall be permitted unless approved by the DRB and in such case must be a dark color. Wooden fences shall be painted or stained. Fencing in front yards is prohibited; location of fencing should be from the back corner of the house running no closer than 30' of the shoreline in case of water front lots.

b. A solid privacy screen may be used to screen decks and patios from view, and the proposed height shall be approved by the DRB.

c. Swimming pools and tennis courts will be permitted only with the approval by the DRB.

d. Compressors for central air conditioning units shall be located, 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 or wall mounted heating or air conditioning units shall be allowed. Compressors shall be screened by landscape or architectural treatment.

e. Play equipment shall be located where it will have a

minimum visual impact on adjacent properties. Basketball goals shall be mounted on black poles. Metal play equipment exclusive of wearing surfaces (slide poles, climbing rungs, swing seats, etc.) Should be painted to blend into the surrounding environment.

f. Outdoor dog houses, freestanding play houses, tree houses, and detached storage buildings will be subject to approval of the DRB.

g. Exterior hot tubs shall be screened from view from adjacent properties and streets when possible.

h. All exterior lighting shall be approved by the DRB including dock, walkway, landscape lighting, etc.

i. Mailboxes must be uniform with materials of brick or wrought iron unless otherwise approved by the DRB. Mailboxes shall contain only the home number and street name of the lot, as approved by the DRB, but no further inscription, painting, ornaments, or artistry shall be allowed.

j. Satellite dishes are limited to the 27" diameter or smaller type and along with television antennae must be approved as to height and location. Radio antennae, receivers, or other similar devices or aerials shall not be attached to any lot or dwelling situated on a lot. All solar devices shall be subject to the approval of the DRB.

k. All driveways and sidewalks shall be constructed of concrete, brick, asphalt, or tile. The color and composition of which shall be approved by the DRB. Other hard permanent materials may be used only if approved by the DRB. No drives will be located next to an adjacent driveway unless a minimum of fifteen (15) feet of natural or landscaped areas are provided between driveways. Driveways across the street shall keep a stagger of a minimum of thirty (30) feet or as approved by DRB. Curb cuts shall be made neatly and finished to allow consistent visual flow of curb structure.

l. Outside clotheslines or other facilities for drying or airing clothes are prohibited unless screened by appropriate landscaping. Barbecue grills and other types of outdoor cooking equipment shall be located out of view from any street. Bird feeders, wood carvings, plaques, and other types of home craft are prohibited in the front or side yards, but may be located in the rear yards so long as the same are not visible from the street and in good taste.

m. Trash containers shall be located at the rear of the dwellings or in an area not visible from a street.

n. Remodeling and additions to existing improvements shall follow the same criteria as new construction.

#### 4. Landscape Design Guidelines

All yards shall be landscaped pursuant to a landscaping plan approved by the DRB.

a. Front yards shall be grass for a minimum of 15' from the curb toward the dwelling and extending from lot line to lot line, including entire street exposure of corner lots. Natural areas in front yards must be clean of vines, brush, weeds, etc. and maintained to prevent a "woody or unkempt" look. Side and rear yards may be seeded or treated naturally, however in the case of lake front lots it is recommended that the shore line be grassed and void of tall vegetation. Grass may not exceed six (6) inches in height.

b. Manicured lawns are encouraged however any areas not seeded or covered with pavement, buildings, shrubs, ground cover, or sod shall be covered with pine straw or bark. Ground cover shall be used to prevent erosion and for ease of maintenance on steep slopes.

c. Landscaping must be completely installed within ninety (90) days after occupancy or a schedule of completion submitted to the DRB and approved for an extension period.

d. Rocks, rock walls, or other substances shall not be placed on any lot as a front or side border.

e. Bird baths, fountains, reflectors, flag poles, statues, lawn sculptures, lawn furnishings, and/or artificial plants, shall not be placed within the front or side yards of any lot.

f. Vegetable, herb, and similar gardens shall not be planted or maintained with visibility from the streets.

g. All landscape material, shrubs, trees, and grass shall be well maintained. Any landscaping, plant life, trees, shrubbery which dies or becomes diseased must be promptly replaced with comparable plant life. Dead trees must be removed from all home sites. Exceptions may be made if the DRB determines that the removal of such trees may have an impact on the surrounding environment.

h. Select a variety of plant material that adds textural interest and fall, spring, and summer colors. The planting of native shrubs and trees is encouraged. Exotic plant

material like banana or fruit trees shall be avoided or at least out of sight from any street.

i. Plastic edging around plant beds is discouraged and shall be subject to DRB approval.

## 5. Construction Guidelines

a. During construction of any improvements to a home site, construction equipment and vehicles as well as the vehicles for all builders, subcontractors, laborers, and suppliers shall utilize off-street parking and enter the home site only from the driveway for such home site. In no event shall the roadways within the development be congested with on-street parked vehicles. 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. 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 home site upon the completion of construction.

b. Owner or Owner's builder is required to keep the job site 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. Scrap construction materials may be burned on-site so long as the same does not cause a nuisance to other property owners. No burning shall be allowed in the front yard of a dwelling. In no event shall construction materials, whether used or new, be buried on or beneath any portion of the home site or lot. If the scrap material is not removed within (5) five days after written notice thereof, the DRB may remove the same and the cost thereof charged to the property owner.

Each owner or Owner's 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 a home site.

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 others.

\* Insuring that the construction site is kept clean and free of debris and waste material.

\* 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.

\* Insuring that all of the terms and provisions of these Architectural Standards are fully complied with in all respects.

c. 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.

d. Portable toilets are the responsibility of the Owner or Owner's builder. Owner or Owner's builder shall require all employees and subcontractors to utilize the same.

e. Washing of trucks, vehicles, and other machinery and equipment on the streets are not permitted. The washing of concrete delivery trucks must be on the construction site. The established speed limit within the entire development must be obeyed by all parties entering the development.

f. Damage to streets, curbs, drainage, inlets, street lights, markers, mailboxes, walls, fences, and other portions of the development will be repaired by the Developer or the DRB and the cost of the same shall be billed to the responsible Owner or Owner's builder.

g. If any telephone, cable television, electrical, water, gas, or other utility lines are cut, it shall be the responsibility of the Owner or Owner's builder to bear the cost of reinstallation.

h. Loud radios or noise shall not be allowed. Normal radio levels are acceptable. 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.

i. No signage, building permits, or other forms of advertisement of any nature shall be attached to any trees.

j. The DRB shall have the right to require that a construction bond or deposit in the amount to be determined by the DRB for clean-up of the home site be given by each Owner or Owner's builder. Such bond or deposit shall be forfeitable if a contractor fails to comply with all of the terms and provisions of these Architectural Standards and may be used by the DRB to correct any such violations.

## 6. Watershed Protection Guidelines

Each Owner and each Owner's builder shall comply with the following:

a. If drainage way must be improved in order to function without eroding, stabilization with grass or other vegetative cover should be implemented to promote infiltration and filtration.

b. If any lot being developed is adjacent to the lake or stream, additional measures shall be used to eliminate the possibility of sheet flow from disturbed areas into the lake or stream.

c. Soil heaps shall be located as far as practical from storm water inlets. Such piles shall be stabilized or covered if to be left in place for more than twenty-one (21) days.

d. Each Owner and each Owner's builder shall employ such best management practices as set forth in the Best Management Practices for Controlling Erosion from Construction Activities. Such practices shall be employed as site conditions warrant.

e. The main construction access drive to each residential lot shall be graveled (to reduce tracking of mud) prior to construction.

f. Any lot which is adjacent to any natural drainage channel, stream, creek, or other waterway shall employ such active erosion control measures as installing silt fences, hay bales, grass swell drainage ways, and prompt re-vegetation or any filter areas as may be practical.

The Aforementioned Standard Are Subject To Modifications by the DRB Without Notice.