

LAKE WINDSONG

GUIDELINES OF THE ARCHITECTURAL REVIEW COMMITTEE

September 20, 2002

INTRODUCTION

It is the intent of this manual to assure each Owner (Builder or Homeowner) that Lake Windsong will be developed and constructed as a community of quality homes that have tasteful and aesthetically pleasing architectural design; long lasting materials and high construction standards; that are harmonious with surrounding structures and topography; and, that have landscaping and other site improvements consistent with the aesthetic quality of Lake Windsong as a whole.

The Declaration of Covenants, Conditions and Restrictions for Lake Windsong (Covenants) require a standing committee of the Lake Windsong Homeowners Association, Inc. ("Association") called the Architectural Review Committee (ARC) whose function is to review (approve or disapprove) plans for any proposed construction or alteration within Lake Windsong. The Covenants have granted the ARC discretionary powers and enforcement regarding the aesthetic impact of design, materials, landscaping, overall impact on surrounding property, and other aesthetic matters. It shall not be the intent of the ARC to impose a uniform appearance within Lake Windsong, nor to discourage creativity on behalf of Builders and Homeowners. Its intent is to promote and assure that all improvements are aesthetically compatible with each other; incorporate a unique yet pleasing discriminating character; and, are constructed to reflect the quality and permanence of timeless residential architecture.

These guidelines have been prepared by the ARC as a guideline for Builders and Homeowners in their selection of concepts for construction within Lake Windsong. This manual does not include all building, use, and other deed restrictions associated with Lake Windsong, and, accordingly, each Builder and Homeowner should familiarize themselves with the provisions of the Covenants and By-Laws of the Association. The inclusion of any recommendation in this Manual shall not preclude the ARC's right to disapprove any proposed matter to the extent of its power to do so under the Declaration.

DEVELOPMENT THEME

The architecture in Lake Windsong will reflect Southern charm and a rustic elegance; balanced with open and flowing interiors for today's lifestyles. Builders and homeowners will have the utmost freedom in planning and building their homes so long as the designs preserve the charm and unity of the neighborhood as a whole.

The land of Lake Windsong is an esthetically pleasing environment—a landscape of natural beauty that is both inspiring and comforting. It evokes memories of the place where your dad taught you to fish or where you and your friends skipped stones across the water on a warm spring day.

Lake Windsong has been designed to blend into this landscape of lake, woods and rolling, rocky terrain. To be harmonious with its environs. Land, water, hills and homes—all become part of the whole. A home in Lake Windsong should complement the landscape, becoming a natural flowing part of it and allowing homeowners to feel as if they, too, are a part of the environment.

The land where Lake Windsong is developed has a history of family ownership. A place where families have lived, worked and played. The enforcement of the architectural guidelines will assure the development of a well-conceived, distinctive community where families for generations to come will continue to live, come together as a community and develop lifelong friendships in an environment that is a mere extension of nature.

THE REVIEW PROCESS AND GENERAL INFORMATION

The design and construction review process is a three-step process: Concept Review, Final Review and Final Inspection of improvements. Thorough and timely submission of information as well as adherence to the design standards set forth in this Manual will prevent delays and minimize frustration of all parties involved. Questions concerning the interpretation of any matter set forth in this Manual should be directed to the ARC.

REVIEW FEE AND CONSTRUCTION BOND

When a Builder or Homeowner submits plans to the ARC for Conceptual Approval or Final Approval, the submission shall include the "Review Fee" and "Construction Bond" as described below. The "Application Form" (available from the ARC) shall be used as a transmittal record of the submission and ARC response as to the submission.

The Review Fees shall be set forth by the ARC. The ARC Review Fee Schedule may be obtained from the ARC.

On all New Home Construction, the Builder or Homeowner shall submit to the ARC a Construction Bond, or check in the amount of One Thousand Dollars (\$1,000.00) per unit to be held in escrow by the ARC until the improvements are complete and the ARC performs its Final Inspection. The construction bond shall be used to offset any costs incurred by the Association or ARC in order to:

- A. Repair damage to any property caused by the Builder or Homeowner or their subcontractors, suppliers and representatives during construction.
- B. Recover legal fees and other costs incurred by the ARC in order to correct any construction or alteration not performed in substantial compliance with the plans receiving Final Approval.
- C. Pay for any fines or penalties imposed by the ARC or the Association for violation of any rules of conduct (example: keeping roadways clean during construction) or regulations governing use of property within Lake Windsong.

CONCEPT APPROVAL

Any Builder or Homeowner may submit preliminary or conceptual drawings and specifications or other information to the ARC for Concept Approval prior to the preparation and submission of detailed plans and specifications for Final Approval. A Concept Approval is not mandatory, but is provided for the convenience of Builders and Homeowners in order that they may accomplish a timely and thorough preparation and ultimately receive Final Approval of their construction plans and other submittals.

The ARC shall review the information and indicate its approval, disapproval or recommendation as to the plan. A Concept Approval given by the ARC shall not constitute approval for the commencement of construction, but only approval of the conceptual information being reviewed.

Submittals for Concept Approval of any New Home Construction shall include:

- A. Concept Exterior Elevations.
- B. Concept Floor Plan.
- C. Concept Exterior Materials.
- D. Such other information, data, and drawings as may be reasonably requested by the ARC.

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 property until the plans and specifications showing the proposed design, nature, kind, shape size, color, materials, and location of same shall have been submitted to and shall have received Final Approval by the ARC. Builders or Homeowners requesting Final Approval of any improvement shall submit sufficient exhibits to demonstrate compliance with standards and requirements of this Design Review Manual. Construction must commence within six (6) months from the date of Final Approval or such Final Approval shall be void. If Final Approval is granted subject to conditions, the conditions shall be satisfied within sixty (60) days of issuance or Final Approval shall be void.

Submittals for Final Approval of any New Home Construction shall include at a minimum two (2) sets of the following and shall be designed by a Registered Architect or person of similar competency:

- A. Site Plan at a minimum scale of 1" = 20' showing: a clearing and grading scheme with proposed and existing land contours, grades, and flow of the site drainage system; location and size of trees having a diameter of three inches or more proposed to be removed from the site; and, the dimensions and locations of all buildings, access drives, parking, utilities (water, power, telephone, cable, etc.), street pavement location and all other proposed improvements to the site.
- B. Floor Plans at a minimum scale of 1/4" = 1' for all floors, cross sections and elevations including projections and wing walls (floor plans should also show total square feet of air conditioned living area).
- C. Plans, elevations, types of materials and other information associated with any other site improvement or ornamentation, including exterior lighting, walls, fencing and screening, patios, decks, pools, porches and signage.
- D. Exterior materials and finishes to be used.
- E. Such other information, data and drawings as may be reasonably requested by the ARC.
- F. The Review Fee is due at time of submittal.
- G. The Construction Bond is due at the time that Final Approval is granted by the ARC.

If, after the initial New Home Construction, a Builder or Homeowner desires Final Approval for an alteration or addition, sufficient information shall be submitted to the ARC to allow it to fully understand the proposed alteration or addition. Such information could be as simple as a letter with a material sample or picture, or as complex as the above-stated submittals.

The ARC may require a rough stakeout of the proposed New Home Construction or Major Alteration or Addition prior to rendering its Final Approval on any matter.

INSPECTION

The ARC shall have the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval is required under this Manual. Upon completion of construction, a Builder or Homeowner shall give written notice to the ARC using the transmittal form provided by the ARC. Attached to the notice shall be a final survey and copy of the Certificate of Occupancy for the newly constructed improvement. Upon "Final Inspection" of the improvements by the ARC and provided that such inspection determines that the improvements were constructed in substantial compliance with the plans and specifications approved by the ARC, the ARC shall return the Construction Bond (less any amount withheld for reasons described previously).

Builders and Homeowners are forewarned that the Covenants have granted to the Board of Directors of Lake Windsong Homeowners Association, Inc. broad discretionary powers regarding the remedy or removal of any non-conforming improvements constructed within Lake Windsong. In this regard, if the ARC finds that any improvement was not performed or constructed in substantial compliance with the submittals receiving Final Approval at its recommendation, the Board of Directors of the Association may remedy or remove the non-conforming improvement, and assess all costs of such action against the Owner of the lot and if not timely paid, file a lien against the lot in the county land records.

CONDUCT

All Owners of lots, whether Builders or Homeowners, shall be held responsible for the acts of their employees, sub-contractors, suppliers, and any other persons or parties involved in construction or alteration of a homesite. In this regard, the Owner shall be responsible for the following:

- A. Ensuring that the construction site is kept clean and free of all debris and waste materials, and that stockpiles of unused materials be kept in a neat and orderly fashion. Keeping roadways free of construction mud or other materials. Enforce the parking of vehicles on the same side of the road of the construction site only.
- B. Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or well being of other personnel on the site or other parties within Lake Windsong, or affect the quality of workmanship. Profanity or any other unacceptable actions will not be tolerated. The Owner will be required to permanently bar such workers as described above from the job site.
- C. Assuring that the aforementioned are properly insured. The Owner or Contractor must carry a minimum of five hundred thousand (\$500,000) liability insurance and provide the ARC with proof of same.
- D. Assuring the aforementioned does not commit any violations of the rules and regulations of the Lake Windsong Homeowners Association, Inc. or the ARC.

APPEAL

If an application for Concept Approval of Final Approval has been denied; or if an approval is subject to conditions which a Builder or Homeowner feels are harsh or unwarranted, or if there are disputes to any other matter related to actions of the ARC, the Builder or Homeowner may request a hearing before the full committee of the ARC with three Lake Windsong Homeowners Association Board Members also reviewing the appeal. At the hearing, the Builder or Homeowner will be allowed to present his position on the matter and make requests or recommendations as to an alternative action. After the hearing, the ARC will review the information presented and notify the Builder or Homeowner of their final decision on the matter. The decision of the ARC regarding such matters shall be final.

GENERAL COMMUNITY STANDARDS

RESIDENTIAL USE

Each Lot shall be used for residential purposes exclusively. Leasing of a Lot for residential occupancy shall not be considered a business use. Business use by the Owner or Occupant residing in the residence is not prohibited so long as the business activity: (a) does not otherwise violate the provisions of the Declaration or Bylaws; (b) is not apparent or detectable by sight, sound or smell from the exterior of the Lot; (c) does not unduly increase traffic flow or parking congestion; (d) conforms to all zoning requirements for the Community; (e) does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; (f) is consistent with the residential character of the Community; (g) does not constitute a nuisance or a hazardous or offensive use; and (h) does not threaten the security or safety of other residents of the Community, all as may be determined in each case in the sole discretion of the Board of Directors.

Real estate brokers and Homeowners (and their agents) may show any homesite and dwelling unit, for sale or lease. Where model homes are permitted, the following shall apply:

- A. No signs, banners, and the like items shall be permitted unless approved by the ARC. Such signs, banners, and the like items will also not be permitted at the entrances to Lake Windsong. If so approved, they shall be constructed using the design and erected in a location approved by the ARC and shall be removed promptly at the request of the ARC.
- B. The interior and exterior of all model homes shall be kept clean and free of debris and all landscaping and other site improvements shall be well maintained at all times. No Builder shall use a model home for any aspect of the Builder's business other than the selling and marketing of homes in Lake Windsong.
- C. The use of a dwelling unit as a model shall cease within one (1) year of the initial approval by the ARC. Extensions for a specific period will be considered by the ARC.

TEMPORARY IMPROVEMENTS

No temporary building or structure shall be permitted on any homesite except that trailers, temporary buildings, barricades and the like may be permitted during construction of a permanent improvement, and provided that the ARC shall have approved the design, appearance, and location of the same. They shall be removed not later than fourteen (14) days after the date of completion of the improvement(s) for which the temporary structure was intended, and shall be permitted for no longer than a period of six (6) months unless the ARC grants an extension of time.

ACCESSORY STRUCTURES

No more than one (1) detached single-family residential dwelling shall be erected on a homesite. Accessory structures must be approved by the ARC and materials shall complement the primary structure.

UTILITY SERVICE

No lines, wires or other devices for communications purposes, including telephone, television, data and radio signals or for transmission of electric current or energy, shall be constructed or placed on any homesite unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on the home, or other approved improvements. Above ground electrical transformers and other equipment may be permitted if properly screened and approved by the ARC. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

REFUSE AND STORAGE AREAS

Garbage and refuse shall be placed in containers and shall be capped and contained in such a manner that they are inaccessible to animals. The container shall be concealed within buildings; be concealed by means of screening walls of material similar to and compatible with that of the building; or, concealed by sufficient landscaping to provide a permanent screen from view of surrounding property. These elements shall be integrated with the building plan, be designed so as not to attract attention, and shall be located in as reasonable, inconspicuous manner as possible.

STORAGE TANKS

No storage tanks, including but not limited to those used for storage of water, gasoline, oil, other liquid or any gas, shall be permitted outside a building except as approved by the ARC.

BUILDING SETBACKS

Minimum building setback lines are as shown on the recorded subdivision plats for Lake Windsong and generally (including porches, eaves and overhangs) shall be fifty five (55) feet from the front lot line (street right-of-way line), fifteen (15) feet from the side lot line, and thirty (30) feet from the rear lot line. In the event of a conflict between these setback restrictions and the recorded plat, the more restrictive provisions shall control.

When a homesite fronts on more than one street (such as a corner homesite), the minimum front setback shall apply to the frontage of all such streets. The ARC shall approve the direction in which the front elevation of any dwelling unit shall face on a homesite.

The ARC may grant an exception for the above minimum setbacks in a case where a homesite would be rendered unbuildable due to its size, shape or topography, and to save existing trees but has no authority to grant exceptions to minimum setbacks shown on recorded plats. The ARC may, at its sole discretion, impose more stringent setback requirements as to the location and positioning of any building.

DRIVEWAYS

Parking spaces, garages, curb cuts, and the driveway to a garage shall be planned and installed in an attractive and functional manner and shall consider the location of existing trees, topography, streetscape and compatibility with surrounding improvements.

All homesites shall have a paved driveway of stable and permanent construction of at least twelve (12) feet in width. The entrance to all drives and walkways will be paved with concrete materials, unless otherwise approved by the ARC. Curb cuts shall be flared in an attractive and functional manner. Curb cuts shall be uniform and shall be constructed to the specifications as set forth by the ARC and all governmental authorities. All driveways and walkways shall have a light broom finish and joints shall be provided to prevent surface cracking. Stamped concrete shall be permitted provided the texture and color of stamping is approved by the ARC.

SIDEWALKS

Builder/Homeowner shall install sidewalks on each lot along the length of the entire property line which fronts on any interior street. All sidewalks shall have a light broom finish and joints shall be provided to prevent surface cracking. Sidewalks shall be five feet wide and installed in accordance with the layout established by the ARC and any requirements of governmental authorities. When sidewalks intersect with streets, curbs shall be cut and finished in accordance with driveway curb cuts to provide wheelchair accessibility. This should apply to all sidewalks with the exception to the front walk, which extends from the front door to the front curb. Sidewalks shall cross each other at the corner of each intersecting street.

LANDSCAPING / STREET FRONT IMPROVEMENTS

Landscaping shall be designed and installed to enhance the beauty of the homesite and its surroundings (including all right of ways). While it is not necessary to submit a landscape plan prepared by a landscape architect, the builder or homeowner shall install shrubbery and landscaping in accordance with the minimum landscape standards as set forth by the ARC.

Builder or Homeowner shall provide hybrid Bermuda sod, or other lawn grass approved by the ARC to the rear corner of the house. Rear areas may be grassed or left natural, but if left natural, must be maintained and be compatible with adjacent lots. Shrubby shall be of a size that will appear mature in two growing seasons.

Builder or Homeowner shall install foundation planting on the front plane building or within view of the street and along the side of corner lots.

Natural areas in front of the building shall not occupy more than 60% of the total area of the front yard and shall be mulched. Islands shall NOT be edged in concrete, wood or metal. Edging of any type shall not be installed without the approval of the ARC.

Existing trees and vegetation should be preserved to the maximum extent possible. The Town of Tyrone has recently established a tree ordinance. It requires that each residential lot have a minimum tree coverage. That coverage is measured in "minimum tree density units". Each residential lot must have a minimum coverage of 100 density units. Please refer to the attached ordinance.

The Builder or Homeowner shall be responsible for maintaining the landscaping and street front improvements in an acceptable manner.

DRAINAGE AND GRADING

No drainage ditches, cuts, swells, streams, impoundment's, ponds, or lakes; no mounds, knobs, dams, or hills; and no other physical improvements or elements of the landscape or terrain which control or determine the location of flow of surface water and drainage patterns may be created, destroyed, altered or modified without the prior written approval of the ARC, whether on private property or common areas.

Special attention shall be given to proper site surface drainage, so that surface water will not interfere with surrounding homesites and natural drainage flows. Paved areas shall be designed to allow surface water to drain naturally and not to allow water to collect and stand. All buildings shall have a minimum floor finish elevation equal to or greater than one foot above the one hundred year flood elevation or in keeping with the current and or updated County requirements. Fill shall not be deposited or removed without ARC approval.

GAMES AND PLAY STRUCTURES

All basketball backboards and any other fixed games and play structures are subject to approval by the ARC and shall be located at the side or rear of the building, or on the inside portion of the corner homesites with setback lines. Play structures shall be located where they are the least conspicuous. Treehouse or platforms of a like kind or nature shall not be constructed unless approved by the ARC.

SWIMMING POOLS AND TENNIS COURTS

Any swimming pool or tennis court to be constructed upon any homesite shall be subject to review by the ARC. The design must incorporate, at a minimum, the following:

- A. The composition of the material must be thoroughly tested and accepted by the industry for such construction. No above ground pools shall be allowed.
- B. Screening in of pools is discouraged, but may be allowed by the ARC. Pool cages and screens must be of a color and material approved by the ARC.
- C. Fencing of tennis courts shall be green, black or brown vinyl clad chain link; and limited to ten (10) feet in height.
- D. Pool screening and tennis court fencing shall be located where least visible from the street.

SIGNS

No signs whatsoever (including, but not limited to, commercial, political and similar signs) shall be erected or maintained on the homesite except such signs as may be required by law and such sign as may be approved by the ARC. For sale signs must be in accordance with the for sale sign specifications set forth by the ARC. Contact the sales office at 770-719-2939 for sign detail.

LIGHTING

All exterior lighting shall be consistent with the character established in Lake Windsong 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 concealed uplighting or downlighting and the style and type of lighting shall be compatible with the building design and materials. The source of lighting shall not be visible from streets and other common areas and no color lens or lamps are permitted. If tennis courts are lighted, homeowner shall be considerate of neighbors and shall not burn lights past 10:00 PM.

FENCES AND WALLS

All fences and/or walls where permitted shall complement the primary structure in material, design and finish. Wood fences may be stained or painted. Chain link fences are not. Vinyl clad chain link fences are allowed for tennis courts only. Where a fence or wall is deemed to be unnecessary or unsightly and detracting from the visual value of common areas, a landscape screen in lieu of a fence or wall shall be permitted except for tennis courts and other special conditions as approved by the ARC.

MAIL BOXES

The Builder shall provide and install the mailbox as specified by the ARC. Homeowners shall maintain mailboxes and replace any destroyed or deteriorated mailbox.

LAWN FURNISHINGS

No birdbaths, frog ponds, flag poles, lawn sculptures, yard art, artificial plants, bird houses, rock gardens, or similar types of accessories and lawn furnishings are permitted on any homesite without prior approval of the ARC. Outdoor planters, hanging baskets, or any other yard or house appointment shall not have the appearance of plastic. Holiday decorations shall be removed no later than two weeks following the actual holiday.

BUILDING CONSTRUCTION STANDARDS

MINIMUM BUILDING SIZE

The minimum square feet of air conditioned living area required for main residential dwelling structures on lots classified as "C Lots" or "B Lots" is 2400 (excluding basement) for a one level building and 2600 for a multi level (excluding basement).

The minimum square feet of air conditioned living area required for the main residential dwelling structures on lots classified as "Lake Lots" or "A Lots" shall be 2800 (excluding basement) for a one level and 3000 for a two level (excluding basement).

PORCHES

Unless approved by the ARC and based upon architectural merit, all houses must have a covered front porch with a minimum depth of 8 feet. The porch shall extend a minimum of 50% along the street or side facade of the house. All porches must be vertical in proportion. The ceilings and railings must be painted. All porch foundation openings must have venting lattice continuous from the ground to the band or arched opening. Venting lattice shall be spaced no greater than 2" and can be applied at a 45-degree angle or vertically. It is preferred and recommended to apply the lattice vertically. Exceptions may be granted based on architectural merit.

EXTERIOR MATERIALS

Finish building materials shall be wood clapboard, board and batten, reverse board and batten, wood shingles, HardiPlank, brick, or stone and shall be applied consistently to all exterior elevations. A mixture of elements that give a rustic look, such as a stone water table with cedar board and batten; a minor wing with a stone or brick gable wall, etc. is allowed. All materials shall compliment Vinyl products, with the exception of windows, shall not be used. Vinyl windows must have an approved casing as specified below. Color selections shall be approved by ARC and be harmonious with each other and with natural materials, and shall be compatible with colors of the natural surrounding and other adjacent property. No two-tone paint colors will be permitted on exterior walls without prior ARC approval. All exterior wood shall be painted or stained.

Change of exterior color or material is not allowed without prior approval from the ARC.

EXTERIOR TRIM AND DECORATION

Exterior accents that enhance the rustic appearance of the structure are encouraged. Items such as meaty gable brackets, eave brackets, exposed rafter ends, gable trusses, roof-top cupolas, decorated verge boards, flared eaves, roof cresting, window flower boxes, operating shutters, stone chimneys, shingled gable ends, shake-shingled accents, faux bird house gabled vents, eyebrow dormer windows, etc.

Exterior window and door trim and similar decorations shall all be of the same color and material, unless otherwise approved, and shall be either of the same material as exterior wall or directly compatible. All exterior windows and doors must have a minimum 3-1/2" casing. Brick mold alone is not permitted. All windows must have windowpanes. These may be removable or internal mullions. Each window should have no less than four windowpanes for each encased window.

Fascia, gutters and downspouts shall blend in and be directly compatible with the architectural detail of the exterior walls.

Exterior columns and posts shall be no smaller than 6" x 6".

Foundations exposures shall be of masonry from the water table to grade level.

Exterior shutters shall, when possible, be sized to match window openings and appear operable. Shutters shall be hinged to the frame of the window and secured to the house with decorative shutter holds or more commonly referred to as shutter dogs.

DISBURSMENT OF HOUSING STYLES AND MATERIALS

Structures having the same or similar floors plans and elevations shall have five (5) lots between them at a minimum. Structures having the same or similar floor plans but differing elevations shall have 3 lots between them at a minimum. The same floor plan, regardless of the front elevations or exterior materials, may not be constructed more than three times on any street or within any line of sight as determined by the ARC. Structures using stucco as the dominant front exterior veneer material, shall not be repeated more than two (2) homes in a row with a three (3) lot separation, minimum, unless approved by ARC.

INTERIOR WINDOW COVERINGS

As viewed from the exterior, all windows must have white sheer drapery linings, interior shutters, or blinds, in addition, shutters or any other similar element shall be compatible in color and style with the exterior building.

CEILING HEIGHTS

Ceiling height on the main floor of the primary dwelling shall be a minimum of 9 feet.

BUILDING HEIGHTS

Heights of buildings shall be compatible with adjacent buildings in a given area.

ROOFS

The composition of all pitched roofs is recommended to be slate, copper, asphalt shingle-architectural style, metal, cedar shakes or other composition approved by the ARC. All pitched roofs must have at least 8:12 slope. Flat roofs shall not be permitted on the main portion of the structure. The ARC shall have the authority to grant variances based upon architectural merit. Skylights must not be visible from the street.

CHIMNEYS

Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone or stucco with a smooth finish. If the fireplace is a metal (self insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have a cowling or be surrounded by a material approved by the ARC. All fireplaces shall be vented through a chimney chase rising past the roof ridge and not direct vented to the side of the house. All chimneys shall be continuous in structural form from elevation grade to chimney cap. Chimneys shall not be cantilevered or suspended.

GARAGES

All residential dwellings shall include a garage adequate to house two (2) automobiles and no more than three (3) automobiles.

All garages shall include garage doors (which shall be a minimum width of eight (8) feet for each automobile) operated by automatic door openers, and a service door. Where possible, no garage door or service doors shall be located on the street front of a residential dwelling unless it is behind the main body of the house or detached. Garage doors shall always be located where they are least visible to persons approaching the residence. When garage doors face the side homesite line, screening from view by

landscaping is recommended. Garages must be located at the rear of the house or to the side, behind the main body of the house; however, based on architectural merit, garages may be in front of the main body of the house NO MORE than 1 bay. Any side-attached garage must be subordinate in massing to the main dwelling and is subject to approval by the ARC based on architectural merit. Detached garages are preferred.

Garage doors shall be constructed of a material that is similar in appearance to the exterior materials of the buildings, and the color of the garage doors shall be compatible with the color of other exterior finishes of the building. 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. No garage shall be converted to other usage without the substitution of another garage.

INTERIOR DESIGN AND CONSTRUCTION

All building interiors shall reflect the aesthetic quality and permanence displayed in the architectural character of the exterior design. In its review, the ARC shall consider the functional layout of the floor space and the quality of the finish material and accessories.

ENERGY EFFICIENCY

All homes shall qualify for an overall energy performance in compliance with local and state codes. Double pane-insulated windows should be used where possible.

APPURTENANCES

All exterior mechanical equipment including, but not limited to, transformers, vents, air conditioning compressors, pool pumps, meters, etc., shall be concealed from view by walls of the same material and color as the building or by an opaque landscaping screen. No solar heaters shall be allowed where visible from any street.

ANTENNAE

Where visible from any adjoining property, no antenna for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used or maintained.

BURIAL PITS

Burial pits are allowed not on lots. The Town of Tyrone specifically prohibits burial pits of any kind on building lots that use on-site septic tanks.

BURNING

No burning is permitted. Should a special exception permitting burning be granted, a County burning permit shall be obtained and a copy provided to the ARC.

SEDIMENT AND EROSION CONTROL

Compliance with NPDES regulations will be enforced.

Each lot must comply with the sediment and erosion control plan for Lake Windsong until final stabilization. The most important part of this is the temporary stabilization of construction sites. All Sites must be stabilized with vegetative measures (grassing) if they are to remain disturbed for a period of longer than two weeks. Construction activity that is disturbed for periods less than two weeks shall be mulched.

Construction entrances will be placed on each construction site and be maintained during the entire construction period.

GENERAL CONSTRUCTION ITEMS

In no event shall the Builder or Homeowner allow any grading, clearing or cutting of trees on any lot prior to the approval of the proposed structure and its location by the ARC.

Construction sites and undeveloped lots must be kept in a clean and orderly state. This includes but is not limited to the removal of trash and construction debris, windblown or damaged trees.

Safe access to homes by customers must be maintained. While we will not encourage customers to enter the site unescorted, it is inevitable that curious people will enter the site at odd hours. If the house is at a stage of completion that it has the ability to be secured, we recommend that be controlled with a lock box.

Toilet facilities must be furnished for the workers on the job site. It is not the intent to have a toilet on each lot, however facilities must be readily available. Cooperation between builders is encouraged.

Heavy construction, such as framing, is discouraged on Sunday and is not permitted after sundown.

Speed limits must be observed within the Lake Windsong Community. Builders and Homeowners shall ensure that all sub-contractors are made aware of the speed limits.

ENFORCEMENT

These Development Guidelines may be enforced as provided in the Declaration.

WAIVER, AMENDMENT AND THIRD PARTY BENEFIT

The ARC maintains the right from time to time, at the ARC's sole discretion, to waive, amend or modify these Guidelines. Neither the ARC nor its agents or employees shall be liable for failure to follow these Guidelines as herein defined. These Guidelines confer no third party benefit or rights upon any entity.

NON-LIABILITY OF THE ARC

Neither the ARC nor its respective members, secretary, successors, assigns, agents or employees shall be liable for damages or otherwise to anyone submitting plans to it for approval by reason of mistake in judgment, negligence or non-feasance, arising out of any action of the ARC with respect to any submission, or to otherwise follow these Guidelines. The role of the ARC is directed toward review and approval of site planning, appearance, architectural vocabulary, and aesthetics. The ARC assumes no responsibility with regard to building design or construction, including without limitation, the structural, mechanical or electrical design, methods of construction, or suitability of materials.

ACCURACY OF INFORMATION

Anyone submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submission, including without limitation, all site dimensions, grades, elevations, utility locations, easements and other pertinent features of the site or plans.