

RESTATED ARCHITECTURAL RULES AND GUIDELINES
Including changes and additions to 04/12/2006
FOR

BANBURY MEADOWS SUBDIVISION

GENERAL INTRODUCTION

Article XI of the Master Declaration of Covenants, Conditions and Restrictions for Banbury Meadows Subdivision (CC&Rs) provides for the Architectural Committee to review plans and specifications for all improvements constructed upon a lot which are visible above ground (see Sections 3.1, 3.29 and 4.1.2 of the CC&Rs). The CC&Rs provide that the Architectural Committee also may establish rules and guidelines setting forth procedures for the required content of the applications and plans submitted for approval. Attached to these Architectural Rules and Guidelines is Article XI of the CC&Rs, which provisions are incorporated herein by this reference.

The review and approval or disapproval of plans submitted may be based upon the following factors: design and style elements, mass and form, typography, setbacks, finished ground elevations, architectural symmetry, drainage, color, materials, including approved material, physical or aesthetic impacts on other properties, including common areas, artistic conformity to the terrain and other improvements on the property, and any and all other factors which the Architectural Committee, in its reasonable discretion, deems relevant. The requirements as to the approval of the architectural design shall apply only to the exterior appearance of the improvements. The architectural rules are not intended to serve as authority to control the interior layout or design of residential structures except to the extent incidentally necessitated by use, size and height restrictions.

GOVERNING PHILOSOPHY

The Banbury Meadows Homeowner Association (“Association”) recognizes the value of maintaining and promoting a community environment suitable for all families regardless of race, color, religion, sex, handicap, familial status or national origin. The Association is therefore dedicated to fostering an open and welcoming community for all families. To meet this goal, the Association must strive to ensure that its homeowners do not use their individual properties in such a manner so as to discourage or limit the use and enjoyment of property owned by other homeowners. Further, it is essential that each particular homeowner does his or her part not to detract from the overall aesthetic quality expected from the neighborhood’s residents in general. The Association understands that flexibility and compromise are qualities essential to achieving these goals. To this end, the Association is committed to developing a set of objective procedures to govern the decision making process for permitting variances to the Association’s Master Declaration of Covenants, Conditions and Restrictions (“CC&Rs”). In addition to establishing a fair and consistent process for deciding variances, the Association shall endeavor to consider each request for a variance in an impartial and just manner regardless of race, color, religion, sex, handicap, familial status or national origin.

Review Policy

- The Architectural Review Committee (“ARC”) shall be comprised of five (5) members, none of which may also be serving as a Board of Director for the Association.
- The Board of Directors (“Board”) shall appoint the ARC.
- The ARC shall meet once a month as needed to consider requests for exceptions to the CC&Rs. Once recommendations have been made, the ARC shall present its recommendations to the Board for the Association. The Board shall vote on the ARC’s recommendations. Once the Board has voted on the ARC’s recommendations, it shall provide written notice to the homeowners requesting exceptions.
- Once a homeowner has been notified of the Board’s decision, it shall be the responsibility of the ARC to follow up with the homeowner to ensure compliance with the CC&Rs.
- No request for exception to the CC&Rs will be granted unless the request is submitted on the Architectural Review and Approval Form. It is the duty and responsibility of the ARC to ensure each homeowner is provided with the Architectural Review & Approval Form.
- The ARC and the Board agrees to consider the following criteria when deciding to grant/deny an exception to the CC&Rs:
 - Color
 - Style
 - Size
 - Location
 - Appropriate screening

The intent of considering the above criteria is to ensure that any exception to the CC&Rs conforms to and is compatible with the homeowner’s residence, the surrounding environment and the neighborhood at large. In addition to considering the above criteria, the ARC may also weigh the neighbors’ opinions. However, the opinions of the neighbors is not dispositive on whether an exception is granted. *[From “Governing Philosophy to here, adopted 13th of November, 2006 by the Banbury Board of Directors.]*

PROCEDURES

The Architectural Committee (“ARC”) has scheduled its regular meetings to be held on the Tuesday prior to the board of director’s meeting or at such other time as may be designated by the Committee.

Submittal: Plans must be submitted at least 24 hours prior to the scheduled meeting time of the ARC. The initial submittals must include the following: (1) complete site plans; (2) complete drainage plan; (3) floor plan; (4) all elevations (rear elevations are as important

aesthetically as front elevations – golf course frontage will receive as much scrutiny and should be treated with the same detail as the front elevation); and (5) a \$1000.00 deposit payable to the Banbury Meadows Homeowners' Association, which may be used to correct building deficiencies resulting from non-conformance with approved plans. Upon completion of construction of improvements in strict conformance with approved plans, the deposit will be returned to the Builder. **Prior to the initiation of construction**, a landscape plan and a plan including exterior textures and colors must be submitted. **Red-lines will not be accepted.** Attached is the form of Inspection Guideline Review which is presently being used by the ARC.

Set-backs and building elevations must conform to all applicable governmental laws and regulations (see Sections 4.1.3 and 4.1.4 of the CC&Rs). The ARC shall have no liability resulting from approval of any plans, set-backs, heights, or building elevations that are not in conformance with applicable laws and regulations.

Approvals: The ARC will use its reasonable effort to promptly respond with approvals, evaluations and conditions to plans submitted. In the event Builder wishes to make modifications during construction, Builder must resubmit plans to the ARC and receive approval for all modifications prior to any changes being made.

SPECIFIC DESIGN CONSIDERATIONS

Roofs: Roofing material may consist of 40 Elk Prestige Plus High Definition 40 year shingles in weather wood or black. Builder shall verify roof brand color and quality prior to installation and shall match shingle color to the color scheme. Other roofs (i.e. tile) may be approved by ARC on lots exceeding \$150,000. Homes are to have a roof pitch of not less than 5/12 or as approved by the ARC. A variance of roof pitches on porches and patio covers may be considered by the ARC.

Chimneys: Exterior surfaces of chimneys are to be hardboard lap siding, stucco, wood, stone or brick. CHIMNEY CHASE ENHANCERS ARE REQUIRED EXCEPT ON MASONRY CHIMNEYS.

Roof Metals: All metal flashing, chimney caps, roof jacks and other miscellaneous roof metals shall be painted to blend with roof materials including aged roof materials. When possible, all vents are to be located on the non-street side of the house.

Exterior Walls and Trim: No cottage lap siding or vinyl siding is allowed. Minimum true-lap siding of 8" exposure or less is preferred. Board and batt must be tied to architecture and will be scrutinized by the ARC. Stuccoed elevations will include 12 inch minimum belly band; window trims or other enhanced detail is required. Wainscoting and masonry type "belly bands" will not be allowed unless the ARC deems it warranted based upon compatibility with the overall design. Stucco cannot be used as an accent (Columns corner of columns, etc.), however, brick (no false brick), rock or synthetic rock will be considered as an accent by the ARC. Any masonry wrap of at least 2' on the front must be included in side elevation if located on a corner lot. For subdivisions 6 and 7, hard surface is required on all 4 exterior sides of the home (brick, stone, stucco or a combination) and belly bands at bottom of stucco if at foundation.

Trimming of windows and doors in a contrasting color is discouraged unless approved by the ARC. Colors shall be compatible with surrounding homes. BUILDER TO PROVIDE A 12" X 12" PAINT SAMPLE OF BODY, FASCIA AND TRIM ON HOUSE FOR REVIEW AND APPROVAL BEFORE INSTALLATION, OR PAINT THE PROPOSED COLORS ON THE HOUSE IN A SAMPLE TEST AREA FOR REVIEW BY THE ARC.

Soffits: Metal soffits are acceptable.

Fascia: Fascia must be a minimum of 1-1/4" X 8" (tru-lap).

Windows and Doors: Wood, white and bronze clad and bronze anodized metal are approved for windows, door frames, skylights and garden windows. Mill finished aluminum windows are not acceptable. Garage doors with windows must be approved by the ARC.

Utility Meters: Utility meters are to be placed in an unobtrusive location and concealed behind fences where possible. Location is to be shown on site plan. IT IS THE RESPONSIBILITY OF THE BUILDER TO MAKE SURE THAT UTILITY METERS ARE NOT VISIBLE ABOVE GROUND AND MUST BE SCREENED FROM VIEW AND NOT VISIBLE ABOVE THE SCREEN. IF A BUILDER ALLOWS THE HOMEOWNER TO DO THEIR OWN LANDSCAPING, THIS RESPONSIBILITY DOES NOT PASS ON TO THE HOMEOWNER AND THE BUILDER NEEDS TO MAKE SURE THAT THE OUTSIDE UTILITY METERS ARE SCREENED FROM VIEW AND NOT VISIBLE ABOVE THE SCREEN.

HVAC Units: Should be placed away from adjacent bedroom windows and are preferred next to adjacent garage locations. **They are to be screened from the street and the Golf Course with permanent wall to match the house or 4' evergreen shrubberies.**

Gutters And Down Spouts: All gutters and down spouts are to be continuous and shall be colored to blend with the surface to which they are attached.

Lighting: No yard lights are permitted. Soffit or low voltage decorative lighting is preferred.

Mailboxes and Posts: The location of mailboxes has been determined by the Postal Service. The standards and mailboxes are provided by the Developer to assure uniformity and only these standards and mailboxes are to be used.

Service Yards: Garbage cans, trash containers, firewood areas, and all other improvements are to be screened so that they cannot be visible above ground from the street or surrounding houses. Consideration shall be given to the placement of all heat pumps, compressors or any not generating equipment so that they are not a nuisance to the surrounding properties.

Landscaping: A landscaping plan must be submitted to the Banbury Meadows Homeowner's Association ARC for written approval prior to the initiation of construction. IT IS THE RESPONSIBILITY OF BUILDER TO PROVIDE ADEQUATE TOPSOIL ON EACH LOT.

Sod: All yard area must be sodded unless a variance is granted by the ARC.

Landscaping Minimums subdivisions 1 to 4

Front Yard:

- Sodded
- 3-2" caliper trees
- 5-5 gallon shrubs
- 5-1 gallon shrubs

Side Yard:

- Sodded
- 2-2" caliper trees
- 5-5 gallon shrubs
- 5-1 gallon shrubs

Rear Yard:

A rear yard is defined as all areas from the back plane of the house.

- Sodded
- 3-2" caliper trees (including at least 1 evergreen/minimum 6' tall)

- 5-5 gallon shrubs
- 5-1 gallon shrubs

Landscaping Minimums subdivisions 5 and later

Total sod and sprinklers – pressurized irrigation provided to lot

Front Yard:

- 2-Class I trees
- 1-Class II tree (minimum 2.5 caliper)
- 10- 5 gallon shrubs

Rear Yard:

- Minimum 6 foot evergreen tree
- 1-Class I tree
- 1-Class II or Class III tree
- 10-5 gallon shrubs
- rock (stone) fence (see cobblestone walls for specific lots see below)

Side Yard

- 5-5 gallon shrubs
- 1-Class I tree

Air Conditioner unit must be screened from the street and the golf course. If not already permanently screened with wall, incorporate 4’ evergreen shrubberies into landscape plan.

All landscaping shall be completed within 30 days after issuance of occupancy certificate for the residence, weather permitting. Special consideration and extensions will be granted from December 1st to April 1st upon written approval of the ARC.

Custom home lots in subdivisions 6 and 7 require drain systems (to be approved by the ARC). Lots have drains in the rear-middle of each home site.

Fencing: All rear yard fences which abut the golf course inclusive of fairways, lakes, tees and greens, shall be of non-view obstruction design and construction. All rear yard fences abutting the golf course must be approved by the ARC and by the record owner of the golf course and are subject to the specific fence requirements under Section 4.1.8 of the CC&Rs. Black wrought iron fencing is the only approved fencing material. Fencing may not extend past the front plane of the house or side plane of the house if on a corner lot. **White vinyl fencing is permitted in Subdivision 1 only** [9/15/2005].

Fencing Along Golf Course: During course construction, Buyer will be required to install and maintain a temporary fence at least 4’ high on all lots adjacent to the golf course at the golf course perimeter. The fence must be installed prior to the start of construction, and shall be of the material which will retain any construction material from transmitting onto the golf course property. Any damage done to the golf course shall be repaired by the golf course and billed to the contractor. This includes clean up, irrigation and turf damage. Any material placed on the golf course by the contractor or subcontractor is immediately the property of the golf course.

Cobblestone Walls Phases 6 and 7: Subject to applicable requirements of Section 4.1.8 of the CC&Rs regarding Lots 3 – 10 in Block 42 and Lot 1 in Block 44 of Banbury Meadows Subdivision No. 6 (the “Phase 6 Lakefront Lots”), it shall be required that cobblestone aesthetic walls approximately two feet (2’) in height above

final grade and at least ½ the rear lot width in length be constructed on the Phase 6 lakefront lots parallel, contiguous to and adjacent to the water amenity for aesthetic purposes. Connected by mound(burms). Cobblestone aesthetic walls constructed on the Phase 6 Lakefront Lots shall be set back from the edge of the water amenity so as not to interfere with or obstruct the ten foot (10) wide easement contiguous to all rear lot lines for public utilities, drainage and irrigation purposes.

Cobblestone boundary walls of at least ½ the lot width in length and two feet (2') in height shall be constructed along the entire rear lot lines of Lots 8-15, 39-43 and 52-57 in Block 43 of Banbury Meadows Subdivision No. 7 (the "Phase 7 Lakefront Lots") parallel, contiguous to and adjacent to the water amenity for aesthetic purposes. Cobblestone boundary walls constructed on the Phase 7 Lakefront Lots shall be set back from the edge of the water amenity so as not to interfere with or obstruct the ten foot (10') wide easement contiguous to all rear lot lines for public utilities, drainage and irrigation purposes.

Job Site Construction Procedures: Job sites are to be kept as clean as possible during construction. All dirt, nails, gravel, scrap and other building materials must be removed from the street and sidewalk daily. Work vehicles must not be parked in front of an occupied house or in a manner so as to block access on the street. Power and water must not be used from existing dwelling without permission of owner. Dumpsters are required at each site and shall be the responsibility of the Builder and shall be kept orderly at all times and emptied on a timely basis.

Job Site Policies: No dogs or other pets belonging to the builder or other subcontractors shall be permitted on any job site. The use of loud music, alcohol and drugs is strictly forbidden on any job site. Builders and subcontractors shall obey all traffic laws within the Banbury Meadows Subdivision, and shall avoid speeding. Builders and subcontractors shall avoid the use of foul, offensive or obscene language on and about the job site. Builders and subcontractors shall not enter onto or trespass on the golf course. It shall be the Builder's responsibility to require and maintain compliance with these job site policies by Builder's subcontractors and suppliers.

General: Builders working on this project are expected to maintain their business goodwill and good reputation. Builders must timely respond to call backs and perform warranty work in a timely manner, and they must be easily accessible to realtors, customers and other interested parties.

These architectural rules shall not be construed to modify, amend, or in any way vary the terms and conditions of the CC&Rs and the Supplemental CC&Rs which are adopted from time to time. These Rules and Guidelines are subject to modification from time to time. The ARC will use reasonable efforts to notify all Builders of any material changes in these guidelines and rules.