

GAP CREEK COMMUNITY ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE GUIDELINES AND PROCEDURES

PURPOSE OF THIS DOCUMENT

This document has been developed to describe the design criteria and the approval process that shall be followed by the Gap Creek Architectural Control Committee (the "ACC") in the performance of its duties as prescribed by the Declaration of Covenants and Restrictions and the Bills of Assurance of Gap Creek Addition to the City of Sherwood, Arkansas.

GOALS AND OBJECTIVES

From its inception, Gap Creek Addition has been designed to be Sherwood's most distinctive neighborhood. Every effort has been made to develop a residential setting that blends with the natural beauty found in the surrounding area. It is the goal of this committee to protect the natural beauty of Gap Creek by encouraging responsible and sensitive site development and appropriate architectural design which responds to the natural elements of the neighborhood as well as the existing homes in the neighborhood.

ACC

Purpose. The primary purpose of the ACC is to prepare, publish, and enforce guidelines to ensure that proper standards of planning, design, aesthetics, and construction are followed in the development of Gap Creek. To that end, and to assure the owners the safeguard of a reasonable degree of conformity among the various buildings in the neighborhood, the quality, design, and location of all buildings, walls, and fences shall be regulated as provided in the Declaration of Covenants and Restrictions, the Bills of Assurance and this document. In order to accomplish this, it shall be the responsibility of the ACC to review and approve plans for new construction, additions and alterations. The ACC approval of plans is based on aesthetic consideration and compatibility with the environment and the community.

The Members. The Architectural Control Committee shall be comprised of at least three (3) and not more than five (5) persons. The Declaration of Covenants and Restrictions and the Bill of Assurance places the authority and responsibility for appointment of the committee with Metropolitan Realty & Development, LLC. The following individuals will serve as the initial members of the Architectural Control Committee:

Terry A. Paff, Chairman
Everett L. Hall, Jr.
Karen Mashburn

Committee Meetings. The ACC shall meet on an "as needed" basis at the offices of Metropolitan Realty & Development, LLC. Such meetings may be called by the chairman of the ACC or the President of the Gap Creek Community Association Board of Directors for the purpose of reviewing recently received plans or to address any other issues that may require the Committee's immediate attention.

Fees. In accordance with Article 6, Section 5 of the Declaration of Covenants and Restrictions of Gap Creek Addition, "The Architectural Control Committee may charge a reasonable fee to owners of Residential Units for architectural review services."

PLAN SUBMISSION, APPROVAL, AND ENFORCEMENT

Preliminary Conference. Prior to formal submission of plans to the ACC, it is suggested that prospective home builders request a preliminary conference with an Architectural Control Committee representative. This early, informal meeting will provide prospective home builders an opportunity to review their proposed plans for compliance with the requirements of the ACC and to receive comments and/or suggestions from an ACC representative.

Plan Submission. Two complete sets of construction plans shall be submitted to the chairman of the ACC along with the Application For Plan Approval (attached). The chairman will arrange a meeting of the ACC within ten working days after receiving a complete set of plans. If these documents are approved, the applicant will receive written notification of the approval along with one set of plans bearing the ACC's indication of approval. One set of plans will be kept by the ACC for reference during the construction process. If the applicant's plans are not approved, written notice indicating the reason for denial will be given. If an application is denied, the applicant may request a meeting with the ACC or a representative of the Committee to discuss design changes which would lead to ACC approval. All plans approved by the ACC will be valid for 24 months after approval. If construction has not begun within that time, the plans will be subject to a second approval process.

The granting of any approval by a majority of the ACC in accordance with the terms of the Bill of Assurance and this document shall be final and binding. Any disapproval, or approval based upon modification or specified conditions by a majority of the ACC, shall also be final and binding.

In the event the ACC fails to approve or disapprove any plan for a proposed building within forty-five (45) days after submission to it, or if no suit to enjoin the erection or placing of such building has been commenced prior to the completion thereof, such approval as to such building will not be required and the Bill of Assurance and this document will then be deemed to be fully complied with as to such building.

Plan Requirements. All plans submitted to the ACC for review must include at least the following information:

1. A topographical survey and site plan prepared by a licensed surveyor or other qualified professional, at a scale of 1" = 20', indicating all proposed changes to the existing site, including grading and "limits of construction" lines. The site plan must show the exact location of all structures with the dimensions from the property line to the proposed structures, including finished grades and finished floor elevations. The alignment of the parking areas and driveways and the location and routing of utility lines and equipment must be shown and dimensioned. The locations of any outbuildings (garages, sheds, etc.), walks, fences, retaining walls, patios and decks must be included on the plans. In conjunction with plan submission to the ACC, all proposed construction must be accurately staked-out on the site, including all building corners, outbuildings, decks, terraces and driveways.
2. A set of building plans at a scale of 1/4" = 1' showing entrances, floor layout and window location. The architectural plans must include elevation drawings of all sides at a scale of 1/4" = 1' and a foundation plan indicating the type of foundation and height above the finished grade of all corners. Information regarding all exterior materials and colors must be submitted, including siding, masonry, roofing materials and roof slope.

Changes to Plans. If changes to an approved plan become necessary during construction, a request from the owner indicating the change shall be submitted to the chairman of the ACC. The chairman will decide whether the change should be brought before the ACC or be approved immediately. For changes which require the approval of the full Committee, such approval or disapproval will be rendered within ten (10) working days from the date received by the ACC

Grounds For Disapproval. The ACC shall have the right to disapprove any plans submitted for review because of, but not limited to, any of the following reasons:

1. The failure of such plans to comply with any of the restrictions or provisions contained in the Declaration of Covenants and Restrictions, the Bills of Assurance, or this document;
2. Failure to include information in such plans as specified above or as may have been reasonably requested by the ACC or its designee;
3. Objection to the exterior design, appearance or materials of any proposed structure;
4. Incompatibility of any proposed structure or use with existing structures or uses on other lots in Gap Creek;
5. Objection to the location of any proposed structure upon any lot or with reference to significant natural elements or to other lots in Gap Creek;

6. Objection to the grading plan for any lot;
7. Objection to driveway and parking areas proposed for any lot; or
8. Any other matter which, in the judgement of the ACC, would render the proposed structure or use incompatible with the general plan or improvement of Gap Creek or with structures or uses located upon other lots in the vicinity.

Enforcement Procedures. If any structure shall be altered, erected, placed or maintained upon any lot or any new use commenced on any lot other than in accordance with plans approved by the ACC, such alteration, erection, maintenance or use shall be deemed to have been undertaken in violation of the Declaration of Covenants and Restrictions, the Bill of Assurance and this document, and the ACC shall so notify, in writing, the owner of the lot upon which such violation exists. In the event the owner fails to take reasonable steps toward the removal and termination of said violation within fifteen (15) days after the date of the notice of violation and fails to diligently pursue thereafter to completion, the ACC shall have the right to remove any such structure and terminate such use, so as to extinguish such violation. The cost of such removal or termination shall be a binding and personal obligation against such owner, as well as a lien upon the lot.

GENERAL REQUIREMENTS

Construction Traffic. Construction traffic shall not traverse lots adjoining the construction site lot without prior written approval of the adjoining lot owner(s); nor shall construction traffic enter upon, traverse, or park on any portion of the common area or on any easement,

Temporary Facilities. During construction, temporary offices, storage sheds, portable toilets, trailers, and parking areas shall be located as inconspicuously as possible and shall be promptly removed when they are no longer necessary.

Maintenance of Construction Site. Each owner, builder, and/or occupant of a site shall be responsible for maintaining a safe, clean and orderly construction site. All trash shall be hauled away or disposed of in on-site waste containers as necessary to avoid any unsightly accumulation.

Erosion Control. Erosion and sediment control measures shall be in place prior to any grading activities. Silt fences and hay bales shall be utilized in accordance with local codes.

Utilities. No permanent water, sewer, gas, electric, telephone, cable TV or other service line shall be constructed, placed or maintained within Gap Creek unless it is placed in underground conduits or cables and buried or otherwise concealed. No facility for alternative sources of energy (solar, wind, bio-mass, or other) or TV or other signal reception device (antenna, disk) shall be erected without the consent of the ACC. All utility construction must meet State and local codes.

Signs. The ACC reserves the right to determine, in its sole discretion, the appropriateness of any and all signs placed within Gap Creek. Any sign which the ACC deems to be inappropriate or objectionable may be removed by the ACC after reasonable notice to the appropriate party.

Mailboxes. Mailboxes within Gap Creek shall be constructed according to the design, materials, dimensions and specifications provided by the ACC and in accordance with the requirements of the U.S. Postal Service. Construction and maintenance of each mailbox shall be the responsibility of the lot owner.

Trash Collection. The City of Sherwood will pick up trash and/or empty containers at each residence. Placement of trash and/or trash containers on the street on the appropriate pickup day is the responsibility of each resident.

SPECIFIC LOT REQUIREMENTS

Clearing and Grading. To preserve the natural beauty of Gap Creek and to prevent or minimize any negative impact on any adjacent lot, excessive clearing and grading should not be performed on any lot. To minimize disturbance to the site, buildings should be sited to follow the natural contours of the site. Deep cuts and excessive fill areas are discouraged and may not be approved. Debris from clearing and grubbing operations shall be removed promptly from the site. On-site burning in clearing and grubbing operations is prohibited. Grading should be accomplished in a manner which will prevent ponding or soil erosion on the site or on adjacent property.

Tree Preservation. To maintain the natural beauty of Gap Creek, existing vegetation must be preserved as much as possible. No trees shall be removed or destroyed on any lot prior to approval of construction plans by the ACC. Trees which are preserved shall be protected to the greatest extent practical from damage during building construction. Barricades or fencing are strongly recommended to prevent root compaction. Placement of dirt stockpiles or construction materials under the tree canopy is discouraged. Trees which do become damaged during building construction should be treated as soon as possible. Technical assistance regarding preservation and treatment of trees may be provided by Developer.

Landscaping. In keeping with the development goal to preserve the natural character of the area, all installed plant materials and other landscape elements should harmonize with the existing natural setting. Landscape plans should provide screening for garage entrances, parking areas and other service areas visible from the street or adjacent lots. Solid sod and/or appropriate ground cover must be installed as soon after construction as practical, weather permitting. Landscape schemes must be equivalent to those types generally accepted in the surrounding area. No plastic or ceramic ornamentation will be accepted unless specific approval has been granted by the ACC. The ACC reserves the right to require a) the removal of non-compatible landscape schemes or b) the submission of complete landscape plans for review as deemed necessary in the sole discretion of the ACC.

Exterior Accessory Structures. All exterior accessory structures such as fences, decks, arbors and lights must be approved by the ACC. For new construction, these structures must be shown on the applicant's construction plans. For additions or renovations, applications and plans shall be submitted to the ACC according to the same process used for new construction approval.

Fencing. Fencing installed by the Developer in certain locations adjacent to the right-of-way of Gap Creek Drive and along the rear and side lot lines of certain adjoining lots may not be altered or removed by lot owners. Fencing installed by the Developer shall be maintained by the Association.

Fencing installed by individual lot owners, such as perimeter fencing and fencing along the common boundary line between lots and/or Common Areas, must be of the style and type specified by the ACC and must be approved by the ACC as to exact location. It shall be the responsibility of each lot owner to construct such fencing and to maintain the fencing to a standard which is satisfactory to the ACC.

Woven metal or chain link fencing is prohibited except for the purpose of enclosing pen areas for household pets. When used in such an application, the entire fence should be screened by landscaping to reduce visibility from adjacent property, common areas, or the right-of-way of public streets. When used, chain link fencing must be painted black or be black coated.

Driveways. To reinforce the quality of Gap Creek, the use of paving stones, asphalt and brick paving in driveways is encouraged. All driveways must be diamond blade sawcut at street curb. Driveway placement, design and paving material are subject to the approval of the ACC. Circular drives will be limited to lots which are level and to situations which will not result in extreme grade relationships.

No fence, wall, hedge, shrub, exterior light or grade which may obstruct vehicular sight distance shall be permitted at any driveway where it connects to the street.

BUILDING REQUIREMENTS

Minimum Square Footage Requirement. The minimum square footage of a home to be built in Gap Creek shall be as specified in the applicable Bill of Assurance.

Colors and Textures. In keeping with Gap Creek's community image as a neighborhood of compatible architectural styles, materials and colors which blend harmoniously with the natural setting, obtrusive or inappropriate colors and textures which would draw attention to specific buildings or structures shall not be allowed. Information regarding colors and textures for all construction is required on the application submitted to the ACC. The Committee shall determine the appropriateness of colors and textures for all construction.

Exterior Building Materials. Exterior siding of brick, stone, cultured stone, or no more than 20% stucco or like materials covering a minimum of three sides of homes is required in Gap Creek. Homes and accessory structures adjacent to and visible from Gap Creek Drive must be finished with a masonry material on all sides which are visible from Gap Creek Drive. Exceptions may be considered for Plantation, Colonial or other like-style homes. Wood and high-quality vinyl siding may be used in limited applications with specific approval of the ACC. Exposed concrete block foundations or retaining walls, prefabricated metal buildings, unnatural brick tones and bright aluminum windows and doors will not be permitted unless specifically approved by the ACC. Metal and steel siding is prohibited.

Roofs. No flat roofs shall be allowed without specific permission from the ACC. Roofs shall be finished with materials harmonious with the surroundings and of a muted color. Architectural grade dimensional or textured shingles are the minimum standard for roof finishes. All roofs must be built with a minimum pitch of 8:12 unless otherwise approved by the ACC.

Fireplaces. No cantilevered fireplaces will be approved. All fireplaces must have a foundation continuous to the ground if visible from the exterior of the home. If a prefabricated fireplace and flue is used, the flue must be enclosed within masonry or wood.

Walls. At locations where walls or retaining walls are required, the walls should be designed as an extension of the home with similar details and materials.

MISCELLANEOUS

1. No prefabricated homes or structures, and no unusual architecture (such as log, contemporary, geodesic, or octagonal homes) shall be approved or permitted in Gap Creek.
2. Unless specifically approved by the ACC, no cutting of trees or grubbing of any type shall be permitted in the conservation areas indicated on certain lots on the recorded plat(s).
3. Absolutely no vehicles (of any type) or storage of materials or equipment shall be permitted on the common areas, the roundabouts, or rights-of-way. Access to each and every lot shall be from the street-fronts only.
4. Concrete truck washouts are allowed only in the areas designated by the ACC.
5. No spoiling or washout of any foreign material (paint, etc.) will be tolerated on any common areas or adjoining lots. Violators may be subject to prosecution.
6. Window air conditioning units are prohibited.

7. Heat pumps and air conditioning compressors must be screened with plant material, fences or walls.
8. Clotheslines of any kind are prohibited.
9. Satellite dishes may not exceed eighteen inches (18") in size and must be of a dark or muted color. Satellite dishes must be approved by the ACC as to style, color and location.
10. Recreation equipment of all kinds, including volleyball nets, badminton nets, and other temporary recreational equipment should be stored when not in use for extended periods of time.
11. Basketball and associated equipment will not be permitted in the street or street right-of-way and will not be mounted on the home, but may be permitted in the driveway or in the side or rear yard.
12. Any other site improvements and design elements not mentioned in these guidelines will be reviewed by the ACC on an individual basis to determine compatibility and suitability with design elements of Gap Creek.