



# CEDAR CREEK

AT DEER POINT LAKE

## **DESIGN GUIDELINES**

All property that is now or may hereafter be subjected to this Declaration is subject to architectural and site plan review. This review shall be in accordance with this Article and such standards as may be promulgated by the Architectural Review Committee (ARC). The Board of Directors shall have the authority and standing, on behalf of the Association, to enforce in courts of competent jurisdiction decisions of the ARC. The Board of Directors shall have the right to lien Lots for actionable violations of this Declaration, design and development guidelines promulgated by the ARC and decisions of the ARC. Said lien shall include, but not be limited to, remedial action taken by the Association, costs and previous party legal fees incurred by the Association in prosecuting its claim. This Article may not be amended without the Developer's written consent in its sole and absolute discretion so long as the Developer owns any land subject to this Declaration or subject to unilateral annexation by Developer under this Declaration.

No construction, which term shall include within its definition clearing, excavation, grading, or other site work, no exterior alteration or modification of existing improvements, and no plantings or removal of plants, trees or shrubs shall take place except in strict compliance with this Article, until the requirements below have been fully met and until the written approval of the ARC. The ARC may establish reasonable fees to be charged for review of an application for approval hereunder, which fees, if established, shall be paid in full prior to review of any application hereunder. Notwithstanding the foregoing, the Developer, in its discretion, may establish preliminary procedures for architectural review whereby an Owner or an Owner's agent may meet with the ARC for the purpose of exhibiting to such body preliminary concepts or drawings for the contemplated construction and in order to assist such Owner or Owner's agent in formulating a design which will conform to the architectural standards of the ARC. Such discussions shall not be binding on the ARC.

All structures constructed on any portion of the Properties shall be designed by and built in accordance with the plans and specifications submitted to the ARC.

ARC. The ARC shall have exclusive jurisdiction over all construction on any portion of the Properties. Until all of the Property has been developed and conveyed to purchasers in the normal course of development and sale, the Developer retains the right to appoint all members of the ARC, which shall

consist of at least three (3), but no more than five (5) persons, none of whom shall be required to be Owners and who shall serve terms subject to the sole discretion of Developer. There shall be no surrender of the Developer's right to appoint all members of the ARC prior to that time except in a written instrument in recordable form executed by Developer. Upon the expiration of the Developer's right to appoint the members of the ARC, the members of the ARC shall thereafter be appointed by the Board of Directors.

The ARC shall prepare and promulgate design and development guidelines and application and review procedures. Copies shall be available from ARC for review by Owners. ARC shall have sole and full authority to prepare and to amend its guidelines and procedures. In the event that the ARC fails to approve or disapprove plans submitted to it, or to request additional information it may require, within sixty (60) days after submission thereof, the plans shall be deemed approved.

Design Criteria. It is the intent of the Developer that Cedar Creek will generally present a consistent architectural environment and the design criteria set forth below will be interpreted and implied by the ARC to accomplish this intent.

Exterior Materials. The following types of exterior materials, among others, are acceptable, subject to final approval of the actual appearance of such materials by the ARC:

(i) Brick, painted or natural;

(ii) Stone;

(iii) No vinyl siding

(iv) Painted wood or cementitious wood (Hardieboard or equivalent) siding;

(v) The ARC shall also consider the occasional use of vertical or horizontal wood siding, stained or bleached, but such materials shall be approved only in those instances where, in the sole opinion of the ARC, the materials blend in with other houses constructed or planned in the general proximity.

(vi) Exterior materials shall be generally uniform on all sides of a residence with no more than 3 secondary exterior materials (in addition to the roof), and no artificial, simulated or imitation materials shall be permitted without the express consent of the ARC.

(vii) No exterior materials shall have any finishes or colors which, in the opinion of the ARC, would be inharmonious, discordant or incongruous with the overall development.

(viii) Asphalt or fiberglass shingles (of a quality not less than 240 pounds), concrete or clay tile or natural or synthetic slate roofing. The minimum pitch for the main roof shall be 6:12. Minor roof elements may have a pitch of not less than 3:12 with the approval of the ARC. If the roof design calls for an overhang, the overhang shall not be less than 16 inches from the vertical wall including gable ends;

Garages. Each structure constructed on a Lot shall have a private enclosed garage, or the equivalent thereof. Electric automatic door closures shall be required and the garage doors shall remain closed except when in use.

Driveways. The driveway surface must be paved with asphalt, concrete, compacted crushed stone, or other approved surface for the one hundred (100') feet nearest to the road providing access to the Lot and the balance of the driveway shall either be paved or surfaced with an approved non-paved surface. All swale ditches along the right-of-way must remain intact and functional at all times. The integrity of the swale drainage system may not be compromised at any time.

(1) Primary residences on Lakefront Lots shall have a minimum of 2,000 heated and cooled square footage, Primary residences on Interior lots shall have a minimum of 1,800 heated and cooled square footage . All setbacks will be at the discretion of the ARC with a minimum Front Yard setback of 50 feet and side setbacks of 10 feet.

(2) No portion of the driveway shall be located closer than five (5) feet from the side line of any Lot, and each driveway shall be at least ten (10) feet in width;

(3) Chain link, wire, or metal fences of any type may not be used for any purpose. All fences must including materials and location must be approved by the ARC prior to construction. There shall be no fences constructed in Front Yard. Rear Yard fences shall not exceed six (6) feet in height above grade;

(4) Each Owner shall submit a complete landscape plan for the entire lot. Plans specifying the quantity and types of trees and landscaping to be installed by the Owner shall be submitted to and approved by the ARC.

(5) No trees can be removed from any lot larger than six (6) inches in diameter except in the building, septic, and driveway footprint.

No Waiver of Future Approvals . The approval of the ARC of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of the ARC, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matter whatever subsequently or additionally submitted for approval consent.

Variance. The ARC may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship or aesthetic or environmental considerations require. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of this Declaration, or (c) estop the ARC from denying a variance in other circumstances. For purposes of this Section, the inability to obtain the issuance of any permit or the terms of any financing shall not necessarily be considered a hardship warranting a variance.

Compliance. Any contractor, subcontractor, agent, employee or other invitee of an Owner or Merchant Builder who fails to comply with the terms and provisions of the guidelines and procedures promulgated by the ARC may be excluded from the Properties by the Association without liability to any Person.

Time of Construction. Upon commencement of construction of any building on a Lot, work thereon must be prosecuted diligently and continuously and must be completed within twelve (12) months from the date of commencement of construction.

Exemption. Notwithstanding anything to the contrary contained herein, improvements and construction activities of Founder shall be exempt from the provisions of this article.

Golf Carts. Electric golf carts are permitted in the community; however, they must be stored in the owner's garage or carport. Gas-powered golf carts are not allowed. Carts may not be modified from the manufacturers stock body or motor configuration.

Boat Docks. Boat docks on the lakefront shall not exceed 1,000 square feet in total. Consideration should be given to neighboring docks with regard to style and design. Floating docks, spotlights and covered areas on the docks are not allowed. Low voltage pathway lighting is permitted on the dock surface.

The boat-dock permitting process is the responsibility of the lot owner. Design of the boat docks must be approved by the Architectural Review Board prior to permitting and shall be identified on a site plan. Compliance with the requirements of all regulating agencies is the responsibility of the lot owner.

Boats and trailers may not be stored within the community other than in an enclosed garage. Boats can be temporary parked in the driveway for up to 72 hours. An off-site storage facility should be utilized to store boats, trailers, RVs, etc. If a boat lift is used, it must be designed such that it is kept as low as possible to the water and does not significantly obstruct the view from the adjoining lots. Boat covers and/or shelters must be natural or earthtone in color.

## GENERAL NOTES:

- An application fee of \$300 is required for all House plan submittals.
- The minimum required square footage of the house is 2,000 square feet on the lakefront lots, 1,800 square feet on the interior lots. A variance for a smaller home may be granted if the relationship between the size of the home and the buildable area of the lot warrants a home smaller than 1,800 square feet.
- Fences in the front yard or in front of the home are not permitted.
- A site clearing plan must be submitted and approved prior to the commencement of any clearing.
- The contractor will keep an approved set of plans at the construction site.
- The construction site is to be kept in a neat and orderly manner.
- The Architectural Review Board will have the right to remedy violations of these guidelines as deemed appropriate.
- Each lot will be allowed only one construction sign per site, and the signage will be kept in a neat and orderly manner.
- Portable toilets must be kept within the lot boundaries.