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Design Guidelines for Tributary

- Table of Contents -

INTRODUCTION.....	1
<u>BACKGROUND.....</u>	1
<u>PURPOSE.....</u>	1
<u>GOVERNMENTAL REQUIREMENTS.....</u>	1
<u>INTERPRETATION.....</u>	1
<u>AMENDMENTS.....</u>	1
DESIGN REVIEW PROCESS	2
OBJECTIVE.....	2
REVIEW AUTHORITY	2
APPROVAL REQUIREMENT.....	2
<u>REVIEW FEES</u>	3
<u>REVIEW PROCESS AND SUBMITTALS</u>	3
REVIEW PROCEDURES	4
IMPLEMENTATION OF APPROVED PLANS	5
CHANGES AFTER APPROVAL.....	6
VARIANCES.....	6
APPEALS.....	6
GOVERNMENTAL APPROVAL	6
RESPONSIBILITY FOR COMPLIANCE	7
INSPECTION	7
SITE DEVELOPMENT STANDARDS.....	8
CLEARING AND GRADING.....	8
DRAINAGE	8
UTILITIES.....	9
FOOT PRINTS AND SETBACKS	9
DESIGN CRITERIA AND STANDARDS	10
ARCHITECTURAL STYLE	10
DESIGN STANDARDS AND BUILDING MATERIALS.....	10
STRUCTURE ORIENTATION.....	10
HVAC AND OTHER EQUIPMENT	10
EXTERIOR LIGHTING	11
SIDEWALKS	12
SWIMMING POOLS AND SPAS	12
ACCESSORY ITEMS.....	14
ANIMAL PENS, RUNS, AND HOUSES	14
BASKETBALL GOALS	14
FLAGPOLES AND FLAGS.....	14
MAILBOXES AND LAMPPOSTS	15
OUTDOOR FURNITURE	15
PLAY STRUCTURES.....	15
PROHIBITED STRUCTURES	15
ROOFTOP EQUIPMENT.....	16

<u>SATELLITE DISHES AND ANTENNAE</u>	16
SIGNS	17
SPORTS EQUIPMENT	18
TRASH CONTAINERS.....	18
WOODPILES.....	18
LANDSCAPE GUIDELINES AND STANDARDS	19
MINIMUM LANDSCAPE REQUIREMENTS	19
LAWNS.....	19
IRRIGATION	19
CONSTRUCTION GUIDELINES	20
MAINTENANCE DEPOSIT	20
GOVERNING AUTHORITY	20
CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.....	20
DEBRIS AND TRASH REMOVAL.....	20
SANITARY FACILITIES.....	21
VEHICLES AND PARKING AREAS.....	21
BLASTING.....	21
EROSION CONTROL	22
EXCAVATION MATERIALS	22
RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES	22
MISCELLANEOUS AND GENERAL PRACTICES.....	22
CONSTRUCTION ACCESS.....	23
DUST, MUD AND NOISE.....	23
CONSTRUCTION SIGNAGE.....	23
DAILY OPERATION	24
RIGHTS AND ORGANIZATION	25
INCORPORATION.....	25
ENFORCEMENT	25
NON-LIABILITY FOR APPROVAL OF PLANS	25
RIGHT OF WAIVER	25
CERTIFICATE OF COMPLIANCE	25
SEVERABILITY	26

INTRODUCTION

BACKGROUND

Tributary is a planned community located in Douglas County, Georgia. The homes and home sites within Tributary are subject to the Community Charter for Tributary Residential Properties (the "**Charter**"), which provides for standards of architecture, maintenance, use and conduct in order to preserve and enhance the overall community. The Charter establishes Tributary at New Manchester Community Association, Inc., a Georgia non-profit corporation (the "**Association**"), whose members include all property owners in Tributary at New Manchester, as the entity primarily responsible for administering the Charter and the standards of maintenance, architecture, conduct, and use established pursuant to the Charter.

PURPOSE

Chapter 5 of the Charter establishes procedures for application and review of plans for new construction and for modifications to existing homes within Tributary. The Founder (as defined in the Charter) of Tributary has established these Design Guidelines for Tributary ("**Design Guidelines**") to provide guidance to Owners and their contractors in planning improvements and modifications to Units, structures, and landscaping in Tributary. These Design Guidelines are intended to facilitate the review process, but are not the sole basis for decisions on architectural matters. **Compliance with these Design Guidelines does not guarantee approval.**

GOVERNMENTAL REQUIREMENTS

To the extent that any local government ordinance, building code or regulation imposes a more restrictive standard than the standards set forth in the Charter or these Design Guidelines, the local government standard shall control. To the extent that any local government standard is less restrictive, the Charter and these Design Guidelines (in that order) shall control.

INTERPRETATION

In the event of a conflict between these Design Guidelines and the Charter, the Charter shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Charter.

AMENDMENTS

The Founder may amend these Design Guidelines as long as it has any reviewing authority under the Charter. Thereafter, the Design Review Committee appointed by the Association's Board of Directors ("**DRC**") may amend them. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or in progress. It is the responsibility of Owners to ensure that they have the most current edition of these Design Guidelines.

DESIGN REVIEW PROCESS

OBJECTIVE

The objective of the review process is to promote aesthetic harmony in the community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design. The design review process has been developed to provide adequate checkpoints in an effort to minimize time spent on concepts which do not adhere to the Design Guidelines. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each Owner is responsible for complying with the Design Guidelines, and all other applicable provisions of the Charter, as well as all the rules and regulations of any governmental authority, in order to bring the design review process to a prompt and satisfactory conclusion.

REVIEW AUTHORITY

Architectural control and design review is handled by either (i) the Founder or its designee, or (ii) the DRC appointed by the Association's Board. The Founder has exclusive authority over architectural review as long as it owns any property in Tributary or any property that may become part of Tributary ("**Founder Review Period**"). The Founder may delegate authority over certain aspects of review to the DRC, and either of them may use architects, engineers, or other professionals to assist in such review. The term "**Reviewer**," as used in these Design Guidelines, refers to the entity responsible for review of a particular matter.

APPROVAL REQUIREMENT

Unless otherwise specifically stated in Chapter 5 of the Charter or in these Design Guidelines, all plans and materials for new construction, landscaping or exterior modifications to homes or landscaping must have prior approval, including but not limited to the house location plan (HLP). Where these Design Guidelines specifically allow an Owner to proceed without prior approval, such allowance shall only be effective so long as the Owner complies with the requirements of the applicable guideline. **No site work may be undertaken and no landscaping, structures, improvements, or other item (collectively, "Improvements") may be place on a Unit until approved by Reviewer in accordance with the Charter and these Design Guidelines.**

Plans submitted to the Reviewer must comply with all applicable building codes, zoning regulations and the requirements of all agencies and municipalities having jurisdiction over the project. It is the responsibility of the applicant to obtain all necessary permits, inspections. Regulatory approvals do not substitute for review and approval hereunder, and vice versa.

REVIEW FEES

When an Owner or his or her builder (hereafter collectively referred to as "Applicant") submits plans to the Reviewer for approval, the submission shall include a "Review Fee." Review Fees shall not be charged for the review of any plans for new home construction. The Review Fee shall be made payable to the Reviewer as follows:

➤ Major alteration or addition - structural or site modification significant enough to warrant the issuance of a building permit by a governmental authority.

Review fee - \$100.

➤ Minor architectural modification or addition - any architectural changes which require architectural review and approval as set forth in the Charter or these Design Guidelines but a governmental building permit is not required. For example, changing the exterior color scheme of the home or installing landscaping which deviates from the typical landscaping plan.

Review fee - \$25.

➤ Changes to or resubmission of approved or unapproved plans.

Review fee - \$100/\$25.

REVIEW PROCESS AND SUBMITTALS

Owners shall request an initial meeting with the Reviewer to review the Unit, and address any questions about Tributary at New Manchester and the Design Guidelines. Plans for new construction or modifications upon any Unit must be submitted in duplicate to the Reviewer. The design review process is divided into two phases: Conceptual Submittal and Final Working Drawing Submittal.

• **Conceptual Submittal.** Preliminary drawings, including the appropriate Review Fee and all of the exhibits outlined below, shall be submitted to the Reviewer. Application for this phase is found in Exhibit "A."

Conceptual Submittals shall include:

➤ Exterior elevations of all sides of the home. Front elevations shall be at no less than 1/4"=1 foot and shall include heights to floors and overall height of home from grade. All other elevations shall be at no less than 1/8"=1 foot. All doors and windows to include light patterns.

➤ All plans at no less than 1/4"=1 foot. Plans to be reviewed only as they pertain to modifications to the elevations.

- Front door details, including elevations, plans, sections, and any necessary details at a scale which clearly conveys the design of the door and the surrounding elements.

- Dormer details, including elevations, plans, sections, and any necessary details at a scale which clearly conveys the design of the dormer.

- Standard door and window exterior casing details.

- Porch and column details.

- **Final Working Drawings Submittal.** After approval of the Conceptual Submittal is obtained, the following documents shall be submitted to the Reviewer for final approval. Application for this phase is found in Exhibit "B."

Final Working Drawings Submittals shall include:

- All drawings listed under the Conceptual Submittal stage with all corrections and revisions required by the Reviewer.

- A site plan showing all property lines, setbacks, proposed footprint of the home, existing vegetation to remain or to be removed, and proposed drives and walks.

- A site specific landscape plan at no less than 1/4"=1 foot.

- A front elevation at no less than 1/4"=1 foot with color chips showing all selected exterior colors.

- **Construction Term.** The Reviewer may inspect all work in progress and will give notice of non-compliance, if found.

REVIEW PROCEDURES

The Reviewer will conduct reviews of proposed homes during its regular meetings or at such other times as the Reviewer deems appropriate. An application must be received at least three business days prior to the Reviewer's committee meeting in order to be placed on the agenda. Owners, architects, or builders have the right to make a presentation at any of these meetings provided they request to do so in writing. The Reviewer will respond in writing in 10 business days (20 calendar days if the Reviewer is the DRC) or less after a submittal is received. Any responses an Owner may wish to make in reference to issues contained in the Reviewer's notice following review of submittals must be addressed to the Reviewer in writing. The Reviewer's decision shall be rendered in one of the following forms:

- "Approved" - The entire application as submitted is approved.

➤ "Approved As Noted" - The application is not approved as submitted, but the Reviewer's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.

➤ "Disapproved" - The entire application as submitted is rejected in total. The Reviewer may provide comments but is not required to do so.

If the Reviewer fails to respond within 10 business days (20 calendar days if the Reviewer is the DRC) the submittal shall be deemed not approved.

IMPLEMENTATION OF APPROVED PLANS

All Improvements must conform to approved plans. If it is determined by the Reviewer that Improvements completed or in progress on any Unit are not in compliance with these Design Guidelines or any approval issued by the Reviewer, the Reviewer shall, directly or through the Board of Directors, notify the Owner and builder, if any, in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner and/or builder to remedy the same. If the Owner and/or builder fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Charter and these Design Guidelines.

- **Time to Commence.** If construction does not commence on a project for which the HLP plans has been approved within 12 months of such approval, such approval shall be deemed null and void, and it shall be necessary for the Applicant to resubmit the plans to the appropriate committee for reconsideration.

- **Time to Complete.** The Reviewer shall include in any approval a maximum time period for the completion of any new construction or modification. If no maximum time period is specified in the approval, construction shall be completed within eight months of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the Reviewer may approve or disapprove, in its sole discretion.

If construction is not completed as evidenced by a Certificate of Occupancy by the City of Douglasville on a project within the period set forth in the approval, within the eight-month default period, if applicable, or within any extension approved by the Reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Charter and these Design Guidelines. In the event of such violation, the Reviewer may notify the Association of such failure and the Association, at its option, shall either complete the exterior of the home in accordance with the approved drawings, or

remove the improvements and return the Unit to its natural state prior to the beginning of any Improvements. The Owner shall reimburse the Association for all expenses incurred therewith.

CHANGES AFTER APPROVAL

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping or signage, made after the approval of plans must be submitted to and approved in writing by the Reviewer prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner.

VARIANCES

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be required. The Reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Charter. No variance shall be effective unless in writing.

APPEALS

Any Applicant shall have the right to appeal a decision of the Reviewer by resubmitting the information, documents, and fees set forth above; however, such appeal shall be considered only if the Applicant has modified the proposed construction or modification or has new information that would, in the Reviewer's opinion, warrant a reconsideration. If Applicant fails to appeal a decision of the Reviewer, the Reviewer's decision is final. In the case of a disapproval and resubmittal, the Reviewer shall have 10 business days from the date of each resubmittal to approve or disapprove any resubmittal. The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

GOVERNMENTAL APPROVAL

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of the City of Douglasville or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals and submit copies of all permits to Reviewer.

If the City of Douglasville or any other governmental authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Owner must notify the Reviewer of such changes and receive approval from the Reviewer prior to implementing such change.

RESPONSIBILITY FOR COMPLIANCE

An applicant is responsible for ensuring that all of the Applicant's representatives, including the Applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the Reviewer as a condition of approval.

INSPECTION

Upon completion of all approved Improvements, the Owner is responsible for notifying the Reviewer. Reviewer may schedule an inspection to verify conformance with the approved submittal.

SITE DEVELOPMENT STANDARDS

CLEARING AND GRADING

Before any clearing or construction activity can proceed, all erosion control measures, including but not limited to, silt fencing, temporary silt ponds, hay bales, and strawing must be in place. All requirements and standards for erosion control by government agencies having jurisdiction over the property including but not limited to Federal, state, and county agencies are the sole responsibility of Owner relative to such Owner's Unit.

Owners shall not grade their property so as to interfere with the established drainage pattern over any property except as approved in writing by the Reviewer. Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades.

Owners may create berms, slopes, and swales for the purpose of defining space and screening undesirable views and noise. Grassed slopes or berms are suggested not to exceed three feet of horizontal distance to one foot of rise or vertical height (3 to 1 slope) in order to permit greater ease of mowing and general maintenance.

Due to the close proximity of each Unit, grades may need to be adjusted accordingly to allow proper drainage of each Unit. Owners shall resolve grade issues with Reviewer prior to commencing any work.

DRAINAGE

Drainage of the Unit must conform to all City of Douglasville or other governmental entities' requirements. All drainage and grading must be indicated on the plans approved by the Reviewer. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Founder prior to (or in some cases, immediately following) conveyance of title from builder to the individual homeowner. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The Reviewer may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

UTILITIES

Pipes, wires, poles, utility meters and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Any utilities or utility equipment not installed below ground or within an enclosed structure requires Reviewer approval. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

FOOT PRINTS AND SETBACKS

Setbacks contribute to the character of a site by reserving space for landscaping and establishing space between buildings and streets, habitat areas, other properties, and other buildings that generate an impression of spaciousness. Setbacks are established by the Founder in accordance with The Tributary zoning approvals and the City of Douglasville ordinances and are subject to public utility easements, drainage easements, right-of-way, and landscape easements depicted on the recorded plats. Refer to the Supplement to the Design Guidelines for the appropriate section of Tributary at New Manchester where your Unit is located to determine the building footprint and setback requirements for your Unit.

DESIGN CRITERIA AND STANDARDS

Founder intends for Tributary at New Manchester to be a green building community in order to create healthy, comfortable homes that reduce utility bills and protect the environment. To that end, Founder has adopted the EarthCraft Certified House Technical Guidelines which shall be implemented within all Units within Tributary. In instances where there is a conflict between the EarthCraft House Technical Guidelines and these Design Guidelines, the Design Guidelines shall control.

ARCHITECTURAL STYLE

Refer to the Supplement to the Design Guidelines for the appropriate section of Tributary at New Manchester where your Unit is located to determine the architectural style applicable to your Unit.

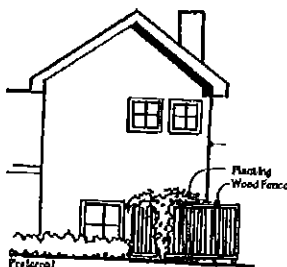
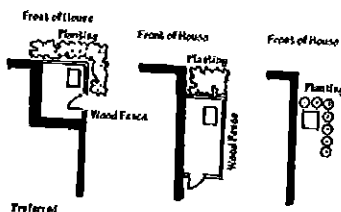
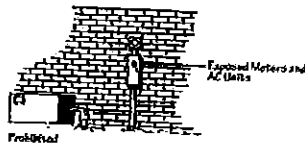
DESIGN STANDARDS AND BUILDING MATERIALS

Refer to the Supplement to the Design Guidelines for the appropriate section of Tributary at New Manchester where your Unit is located to determine the appropriate design standards and building materials applicable to your Unit.

STRUCTURE ORIENTATION

Orientation of the home shall be responsive to the nature and characteristics of adjacent and surrounding buildings, streets, views, parks and all other pertinent environmental conditions.

HVAC AND OTHER EQUIPMENT



Where practical, all exterior meters, air conditioning units, pool or spa filtration, and ground-mounted mechanical equipment, *etc.*, shall be located in a side or rear yard and must be screened from street view and neighboring property by landscaping or by material and color compatible with the design of the residence. Screening other than landscaping shall not be of a height greater than four (4) feet above natural grade of the Unit. All screens, whether landscape, structures, walls, or plant materials, shall be located to allow a minimum of two (2) feet of clearance from the equipment, but may not encroach or trespass on a neighboring Unit without such neighboring owner's written approval.

Shrubs or vines shall be placed in front of screens. Hedges may be used for screens if plants are mature enough and spaced close enough to provide adequate

screening at the time of planting. Staggered spacing of shrubs for hedges makes a good screen.

Extreme care shall be taken in location of condensers to avoid noise infiltration to nearby bedrooms and other "quiet" zones. Sound insulating material may be required for added equipment such as pool pumps and heaters.

In absence of complete yard fencing, meters, air conditioner, pool pumps, *etc.*, shall be screened from view. Where possible, design should include niches or offsets in which to tuck mechanical equipment.

Pipes or equipment attached to the side of the home shall be painted the same color as the walls. Roof pipes shall be painted the same color as the roof.

On corner Units, every effort should be made to place air conditioners, pool pumps, *etc.*, in the rear yard.

No window air-conditioning units or window fans shall be permitted.

EXTERIOR LIGHTING

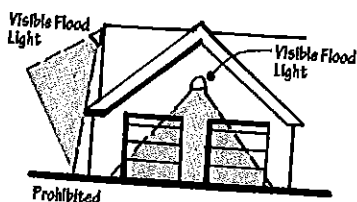
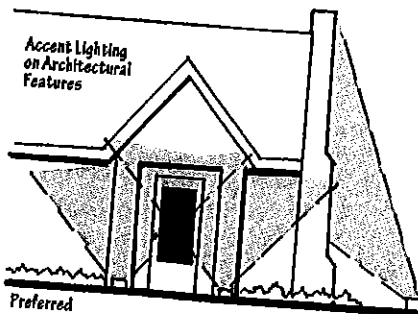
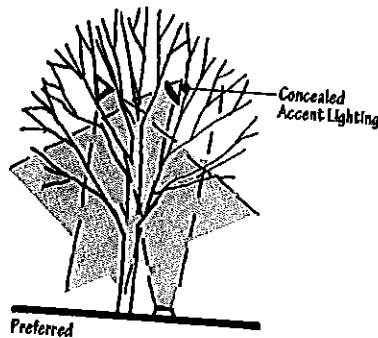
Exterior lighting shall be installed in a manner that will not cause unnecessary light spill distraction, nuisance or be unsightly.

Exterior lighting can convey a warm, inviting atmosphere and aid in providing nighttime security without annoying others. Selection and placement of fixtures, and selection of light source types, should be done with care. Exterior illumination of architectural features such as columns, entries, chimneys and landscape features is encouraged.

Lights should be directed to illuminate house number graphics. Ground lighting or decorative light fixtures are acceptable. Decorative fixtures shall be of high quality materials and workmanship and shall be in scale and style with the residence.

High-pressure sodium lights are prohibited.

Mercury vapor security lights, when the fixture is visible from public view or from other Units, are prohibited. Mercury vapor lights, when used for special landscape lighting affect, (hung



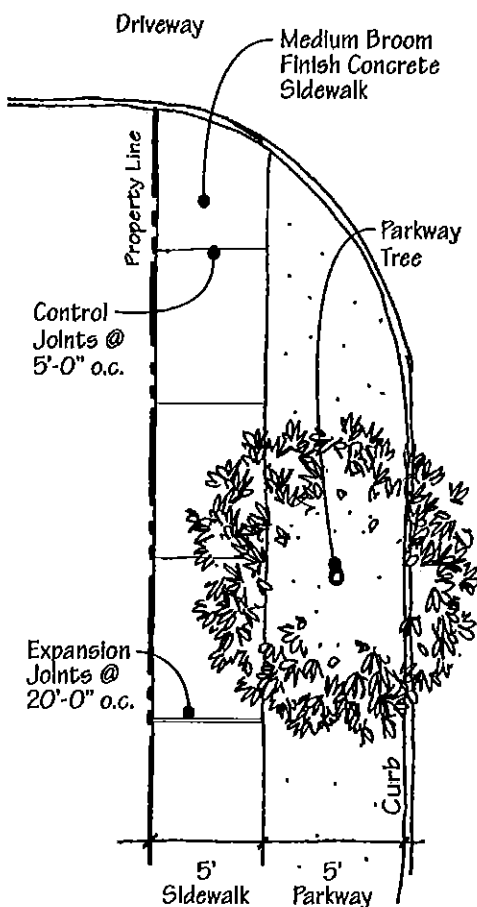
in trees as up and down lights) are permissible with Reviewer approval.

Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lighting are not permissible.

Incandescent, low voltage incandescent, metal halide, quartz and natural gas lights are acceptable.

Lighting may not be installed on the privacy fence or patio/pool fence.

SIDEWALKS



All sidewalks within Tributary at New Manchester shall be five (5) feet wide and are to be located in accordance with the setback requirements. The illustrations to the left show the minimum design standards for all sidewalks. All sidewalks are to be constructed in a uniform manner of conforming materials to produce a consistent appearance.

All sidewalks shall be constructed utilizing the following construction standards:

- All sidewalk construction shall meet or exceed the City of Douglasville standards;
- Expansion joints shall occur every twenty (20) feet on center;
- Scored joints shall occur every five (5) feet on center;
- Concrete placed between expansion joints shall be completed in one pour;
- Expansion joints shall be used where the new sidewalk connects with the existing sidewalk or with driveways; and
- Manholes and valve boxes located within sidewalks shall be flush with the concrete paving.

SWIMMING POOLS AND SPAS

Pools constructed above ground are prohibited. Smaller, prefabricated, spas or hot tubs installed above ground are acceptable. Above ground spas or hot tubs visible from public view or from other Units shall be skirted, decked, screened or landscaped to hide all plumbing, heaters, pumps, filters, etc.

Privacy screens for pools or spas shall not exceed six (6) feet above existing grade. Screening material shall be masonry compatible with the residence, wood fence with finished side out, or other screening material approved by Reviewer.

Swimming pool appurtenances, such as rock waterfalls and slides, shall not be over six (6) feet in height. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc., shall not be visible from public view.

Pool walls shall not encroach on utility easements. If pool plumbing is required in utility easements, contact local utility companies before digging. Wood or concrete pool decks may be placed on utility easements with permission from the utility company, but are subject to removal by utility companies.

Pool and spa drains must connect to the street drainage. Pools cannot be drained onto open space or any other property.

Pool enclosures may be permitted or denied on a case-by-case basis, depending on Unit location and other factors within the discretion of the Reviewer.

All pool construction activities shall take place between the street and the rear Unit line.

ACCESSORY ITEMS

ANIMAL PENS, RUNS, AND HOUSES

There shall be no animal pens or dog runs of any kind at Tributary at New Manchester. Dog houses are permitted as long as they match the majority of the main structure. Dog houses must be located a minimum of six (6) feet inside property lines and they must be located behind the rear wall of the Owner's house.

BASKETBALL GOALS

Permanent basketball goals may be installed only as follows: (i) on Units with alleys, the basketball goal may only be attached to the garage at the rear of the home; and (ii) on Units not on alleys, the basketball goal may only be installed in a location that is not visible from the street. All backboards, rims and nets must be well maintained at all times and never violate building lines.

Portable basketball goals are permitted on any Unit and are not permitted in streets or alleys at any time. Portable goals must always be set up a minimum of ten (10) feet from the front or rear building line. Portable goals must be stored in the rear yard of the home or in the garage when not in use.

The minimum specifications for basketball goals are:

- The backboard must be commercially manufactured out of materials that will not weather, warp or disintegrate;
- Only a shooting square may be painted on the face of the backboard. Logo, if any shall not exceed 5% of the backboard area; and
- Only white nets are acceptable.

FLAGPOLES AND FLAGS

One flagpole not to exceed 4 inches in diameter or 60 inches in length may be mounted on the front of the house. Permanent stand alone flagpoles are not permitted.

Flags visible from the exterior of a dwelling may be hung only on flagpoles meeting the above criteria. Flags shall not exceed 4' x 8' in size. Only official flags of countries and seasonal decorative flags may be displayed; flags which display trademarks or advertising, and battle flags and similar flags which, in the Reviewer's judgment, are intended to, or tend to, incite, antagonize, or make political statements (other than a statement of citizenship or country of origin of the residents of the dwelling), shall not be permitted. Flags shall be maintained in good condition and shall not be displayed if mildewed, tattered or faded beyond recognition.

MAILBOXES AND LAMPPOSTS

Mailboxes and lampposts other than as installed by Founder or any alterations thereto, shall be subject to review by the Reviewer and may not be permitted under applicable governmental regulations. The color, size, appearance and location of the mailboxes installed by Founder shall be preserved and may not be altered unless approved by the Reviewer.

OUTDOOR FURNITURE

Furniture shall not be used, stored or kept on the exterior portions of any Unit except on patios, decks or porches. Furniture exposed to the weather shall be limited to such types as are designed and intended for outdoor use.

Outdoor furniture, including park benches and porch swings, must be well-maintained and in harmony with the exterior design and color of the house. Outdoor furniture shall be black, brown, forest green and bronze as acceptable colors as well as a color nearest to the darkest color of the exterior of the home. Outdoor furniture must not be located in the front yard on any Unit, and must not be located in the visible side yard on any corner Unit.

PLAY STRUCTURES

Play structures shall be earthtone colors to blend with the environment and made of metal, treated wood, cedar, redwood or treated wood painted to be in harmony with the existing home. Platforms of play structures shall not exceed a height greater than four (4) feet from the original Unit grade. The maximum allowable height for any one part of the play structure is nine (9) feet from the original Unit grade. The footprint of the structure shall be no larger than one hundred (100) square feet, with the maximum length being no more than fourteen (14) feet in any direction. No portion of the structure shall be a closer than ten (10) feet from any fence line or property line on Units seventy five (75) feet wide or wider and no closer than five (5) feet on Units less than seventy five (75) feet wide, and must be placed inside any existing fence.

Play structures of any type are not permitted in the front or side yards. In the case of a corner Unit, any play equipment or structures to be installed in the rear yard must be screened from public view by landscaping or fencing.

Any canvas exposed to public view shall be solid earthtone colors only. Day-glow (or fluorescent) and bright colors are not permitted.

Variances may be granted by the DRC upon submittal of plans and adjacent homeowners consent.

PROHIBITED STRUCTURES

Tents of a permanent nature are prohibited on Units. Storage buildings are discouraged, but may be permitted under special circumstances in the discretion

of the Reviewer. Greenhouses, sheds, and guest houses are encouraged, but must be previously approved by the Reviewer.

Statues, monuments, ornaments, water features or similar objects taller than three (3) feet in height that are visible from the street or by neighbors are prohibited on Units.

Clotheslines or clothes poles are prohibited.

ROOFTOP EQUIPMENT

Reviewer approval is required for all rooftop equipment and accessories, unless specifically excluded in this Section. All rooftop equipment must match roofing colors or be of a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing gutters and downspouts must be painted to match the fascia and siding of the structure. No exposed attachment straps will be allowed.

Any installed solar energy equipment shall have the appearance of a skylight, shall have a finished trim material or curb, and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

Reviewer approval is not required for skylights having measurements of three (3) feet by (5) five feet or less. Skylights should be placed in locations so as not to detract from the building elevations.

SATELLITE DISHES AND ANTENNAE

Permitted Devices

No satellite dishes, antennas or similar devices designed for transmission or reception of radio, television or other broadcasts of any kind are permitted on any Unit without prior approval, except that the following "**Permitted Devices**" may be installed on a Unit without application or prior approval, provided they are installed in strict compliance with this section:

- antennae or satellite dishes designed to receive direct broadcast satellite service which measure one meter or less in diameter;
- antennae or satellite dishes designed to receive video programming services via multi-point distribution services which are one meter or less in diameter or diagonal measurement; or
- antennae or satellite dishes designed to receive television broadcast signals

Location

A Permitted Device may be installed solely on the Owner's Unit and shall not encroach upon any street, Common Area, or any other Owner's Unit.

A Permitted Device shall be installed in that location on the Unit from which an acceptable quality signal can be obtained which is least visible from the street, from other Units, and from public view. In order of preference, the locations considered to be least visible are:

- In the back yard, on the ground or elevated no higher than 12 feet off of the ground if necessary to obtain an acceptable quality signal, and screened from view of adjacent Units and the street; then
- In the side yard, on the ground or elevated no higher than 12 feet off of the ground if necessary to obtain an acceptable quality signal, and screened from view of adjacent Units and the street; then
- Attached to the back of the house, with no part of the Permitted Device any higher than the lowest point of the roofline and screened from view of adjacent Units and the street; then
- Attached to the side of the house, with no part of the Permitted device any higher than the highest point of the roofline unless otherwise approved and screened from view of adjacent Units and the street.
- Variances may be granted to the above on a case by case basis.

Mast Installation

Mast height may be no higher than absolutely necessary to receive an acceptable quality signal. For safety reasons, the location of any mast that must extend more than 12 feet above the ground is subject to application and prior approval of the Reviewer. Any such application must include a detailed description of the structure and anchorage of the antenna and the mast. If this installation will pose a safety hazard to residents of adjacent properties, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.

A licensed and insured contractor must install masts.

Masts must be painted the appropriate color to match their surroundings.

In order to minimize hazards to persons and property if the mast were to fall during a storm or from other causes, masts shall not be installed nearer to the Unit line than the total height of the mast and antenna and any structure on which it is mounted.

SIGNS

Signs shall not be placed so as to be visible from the outside of a dwelling on a Unit with the exception of:

- One temporary "For Sale" or "For Rent" sign placed on the Unit being advertised "For Sale" or "For Rent." The sign shall be limited to the style, size, and color approved by Reviewer. The sign must be removed within two working days following the closing of the property or the termination of the listing agreement.
- One small security service sign per house, provided the sign has a maximum face area of two square feet and is located adjacent to the mailbox or driveway.
- Such permits as may be required by legal proceedings.
- Such permits as may be required by governmental entity.

Residents shall be permitted to post "no soliciting" signs near or on the front door. Any such sign shall not exceed a size of twenty five (25) square inches. Color of sign shall be as commercially available.

SPORTS EQUIPMENT

Approval is required for the installation of play and sports equipment taller than seven (7) feet. All play equipment must be wood construction, environmentally and aesthetically compatible and approved by the Reviewer. Ten (10) foot portable basketball goals may be permitted, provided such goals are stored out of view when not in use. Owner shall exercise consideration toward neighbors; any such equipment shall be set back a reasonable distance from adjacent property lines so as to avoid disturbance of neighbors and shall not obstruct neighbors' views of open spaces. Treehouses are prohibited.

TRASH CONTAINERS

Trash containers and recycling bins must be stored inside your garage or in a screened enclosure not visible from the street or alley.

WOODPILES

Woodpiles are permitted only in the rear yard of residences and shall be screened by adequate planting and/or fencing so as to be concealed from view of neighboring property and streets.

LANDSCAPE GUIDELINES AND STANDARDS

MINIMUM LANDSCAPE REQUIREMENTS

All Units shall be landscaped with a minimum number of trees and shrubs of the sizes and types. Refer to the Supplement to the Design Guidelines for the appropriate section of Tributary at New Manchester where your Unit is located to determine the minimum landscape requirements applicable to your Unit.

LAWNS

Sod will be required for all grass areas except for the rear yard of Units with garages accessible from the front of the home. All grass areas visible to the public shall be sodded with Bermuda grass.

IRRIGATION

All Units shall have an automatic yard irrigation system sufficient to provide proper amounts of water to maintain a green, healthy lawn and landscaping within the front yard and the right-of-way between the front yard and the curb. Systems should have a rain sensor override switch.

Sprinkler heads should be located to effectively water the landscaped area with even, 100% coverage and minimum overthrow onto pavement, walks, and adjacent property

CONSTRUCTION GUIDELINES

In order to assure that the infrastructure and the natural surroundings are not unduly damaged during construction, the following construction guidelines ("Regulations") shall apply to any and all Improvements to a Unit. Owners and builders shall be bound by all City of Douglasville building codes, and any other applicable governing authority. Any violation of these Regulations by a builder shall be deemed to be a violation by the Owner of the Unit.

MAINTENANCE DEPOSIT

To guarantee that the Regulations are adhered to, each Owner or builder, before beginning any construction, shall post a cash deposit in the amount of \$10,000 with the Reviewer (any interest earned shall be credited to the Owner or builder). Should it become necessary for the Reviewer to remedy any violation of these Regulations, the costs of such remedy will be charged against the bond. Should the deposit ever fall below \$5,000 due to Reviewer drawing upon such deposit to remedy any violation of these Regulations, Owner or builder shall make an additional deposit to replenish the deposit amount to \$10,000. The obligation of the Owner and/or builder to repair, correct, complete or otherwise comply with these Regulations shall not be limited to the amount of such bond. Upon completion of construction, the bond, less any expenses to cure any violations, shall be returned to the Owner or builder. Any additional expense over and above the bond incurred by the Reviewer in enforcing compliance with the Design Guidelines will be recorded against the Unit and secured by a lien until paid.

GOVERNING AUTHORITY

All builders and Owners shall comply with the regulations of any governing authority, as well as all applicable Occupational Safety and Health Act regulations and guidelines (OSHA).

CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Any Owner or builder who desires to bring a construction trailer, field office or like to Tributary at New Manchester shall situate such trailer or field office at a location to be designated by the Reviewer. Such temporary structures shall be removed upon completion of construction or 30 day written notice by Reviewer.

DEBRIS AND TRASH REMOVAL

Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. Builders are required to retrieve promptly all trash and debris blown onto neighboring properties.

Builders are prohibited from dumping, burying, or burning trash anywhere within Tributary at New Manchester. During the construction period, each construction site shall be kept neat and clean and shall be properly policed to prevent it from becoming an eyesore or affecting other Units or any open space.

Mud and dirt from the construction site on the paved streets of Tributary at New Manchester, whether caused by the builder or any of its subcontractors or suppliers, shall be promptly removed and cleaned by the builder. Failure to comply with this section will result in a fine being levied by the Reviewer and/or the violation being remedied by the Reviewer. In either case, the fine or cost of remedying the violation shall be charged against the construction bond if not promptly paid.

SANITARY FACILITIES

Each builder shall be responsible for providing adequate sanitary facilities for builder's construction workers. Portable toilets shall be located only within the area approved by the Reviewer.

VEHICLES AND PARKING AREAS

Construction crews shall not park on, or otherwise use, other Units or any open space. Private and construction vehicles and machinery shall be parked only within areas designated by the Reviewer. All vehicles shall be parked so as not to inhibit traffic.

Each builder shall be responsible for assuring that the subcontractors and suppliers obey the speed limits posted with the development. Fines will be imposed against the builder and/or its builder's deposit for repeated violations. Adhering to the speed limits shall be a condition included in the contract between the builder and its subcontractors/suppliers. Repeat offenders will be denied future access to Tributary at New Manchester.

BLASTING

If any blasting is to occur, the City of Douglasville and the Reviewer must be informed, in writing, far enough in advance to make sure the Owner has obtained the advice of expert consultants that blasting may be accomplished safely and the cost of said consultant shall be paid for by the Builder. These consultants must so advise the Reviewer in writing. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Reviewer, which shall be based upon such advice from a qualified consultant. Applicable governmental regulations concerning blasting must be observed. The Reviewer's only responsibility is to require evidence of such consultant's expertise and shall have no liability for the blasting.

EROSION CONTROL

All erosion control measures, including gravel entrance pad, shall meet or exceed the City of Douglasville requirements as well as the requirements of all other governmental entities. The Douglas County City of Douglasville Water and Sewer Authority (WSA) has governing rights over erosion control practices for Tributary. Builders shall submit secondary notices to the Reviewer prior to any construction commencing on any and all lots. Reviewer has the authority to supplement any inadequate erosion control and said cost will be taken out of the Maintenance Deposit.

EXCAVATION MATERIALS

Excess excavation materials shall be deposited from the borrow/fill pit designated by Reviewer.

RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES

Damage and scarring of any property outside the construction site, open space or any other Unit, including but not limited to roads, driveways, utilities, vegetation and/or other improvements, resulting from construction operations, will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and any expense shall be borne by the builder. In the event builder fails to restore or repair the damaged area, the Reviewer may repair the area and impose the expense as a charge against the construction bond. In the event of default by the builder in meeting these obligations, or the construction bond is insufficient to meet the obligation, the Unit Owner who has retained the builder shall be responsible and a lien may be recorded against the Unit until paid.

MISCELLANEOUS AND GENERAL PRACTICES

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors and subcontractors while in Tributary. The following practices are prohibited:

- Changing oil on any vehicle or equipment on the Unit itself or at any other location within Tributary other than at a location, if any, designated for that purpose by the Reviewer.

- Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment anywhere, but the location specifically designated for that purpose by the Reviewer. Such cleaning outside the designated area anywhere on the Unit is strictly prohibited. Violation of this provision will result in a \$1,000.00 fine per occurrence or the repayment of expense of repairing the damage, whichever is greater.

- Removing any rocks, plant material, topsoil, or similar items from any property of others within Tributary, including other construction sites.

- Carrying any type of firearms within Tributary.
- Using disposal methods or equipment other than those approved by the Reviewer.
- Careless disposition of cigarettes and other flammable material.
- Destruction or removal of protected plant materials or plants not previously approved by the Reviewer.
- No pets, including dogs, may be brought into Tributary by either Builders or construction personnel. In the event of a violation, Reviewer, Founder, or the Association shall have the right to contact authorities to impound any pet, to refuse to permit the builder or subcontractor involved to continue on the project or to take such other action as permitted by law, the Design Guidelines or Charter.
- Radios and other audio equipment which can be heard outside the construction site. Electronic equipment is recommended to have headphones.
- The use of horns by any catering trucks. Trash generated by the purchase of items shall be contained and disposed of properly. Repeated problems with these requirements will result in the catering trucks being denied admittance to Tributary.

CONSTRUCTION ACCESS

The only approved construction access during the time a home or other improvement is under construction will be over the approved driveway for the Unit unless the Reviewer approves an alternative access point.

The location of the Tributary's main construction entrance will be determined from time to time by the Reviewer and each Builder shall be responsible for assuring that only that entrance is used by its employees, suppliers, subcontractors and agents.

DUST, MUD AND NOISE

Each Builder shall be responsible for controlling dust, mud and noise, including, without limitation, music from the construction site.

CONSTRUCTION SIGNAGE

Unless required by local governing authorities, no construction signs may be posted anywhere on Tributary, except that Founder and any Builder authorized by Founder may post one construction sign on a Unit. Such sign shall be designated by and approved by the Founder and erected on a location approved by the Founder.

DAILY OPERATION

Daily working hours for each construction site shall be as follows:

- Monday – Friday7 a.m. to 7 p.m.
- Saturday8 a.m. to 6 p.m.
- Sunday and Designated Holidays .NO CONSTRUCTION without prior written approval of Reviewer.

Construction hours are subject to change and will be determined by Reviewer from time to time.

RIGHTS AND ORGANIZATION

INCORPORATION

The provisions of the Charter applicable to design and landscape control are incorporated herein by reference, and control over provisions herein, in case of a conflict.

ENFORCEMENT

In the event of any violation of these Design Guidelines, the Founder or the Board may take any action set forth in the By-Laws or the Charter, including the levy of a specific assessment pursuant to Section 12.4 of the Charter. The Founder or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Founder or the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Unit upon which such violation exists.

NON-LIABILITY FOR APPROVAL OF PLANS

Chapter 5 of the Charter contains a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an Owner. **PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, YOU SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF YOU DO NOT UNDERSTAND IT, PLEASE ASK A REPRESENTATIVE OF THE REVIEWER TO EXPLAIN IT TO YOU OR SEEK ADVICE.**

RIGHT OF WAIVER

The Reviewer reserves the right to waive or vary any of the procedures or standards set forth at its discretion, for good cause shown. However, any approval by the Reviewer of any drawings or specifications or Improvements done or proposed, or in connection with any other matter requiring such approval under the Design Guidelines or the Charter, including a waiver by the Reviewer, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the Reviewer may disapprove an item shown in the Final Submittal even though it may have been evident and could have been, but wasn't, disapproved at the Preliminary Submittal.

Furthermore, should the Reviewer overlook or not be aware of any item of non-compliance at anytime during the review process, construction process or during its Final Inspection, the Reviewer in no way relieves the Owner from compliance with the Design Guidelines and all other applicable codes, ordinances and laws.

CERTIFICATE OF COMPLIANCE

Any Owner may request in writing that the Reviewer issue a certificate of compliance certifying that there are no known violations of this chapter or the

March 27, 2014

Design Guidelines. The Association shall either grant or deny such written request within 30 days after receipt and may charge a reasonable administrative fee. Issuance of such a certificate shall prevent the Association from taking enforcement action against an Owner for any condition known to the Association on the date of such certificate.

SEVERABILITY

If any provisions of these Design Guidelines shall be held to be invalid, the same shall not affect in any respect whatsoever the validity of the remainder of the Design Guidelines to the extent that they can reasonably understood without the invalid portion(s).

These Design Guidelines have been approved and adopted as provided by the Charter this _____ day of _____, 2014, and shall remain in full force and effect until revised as provided in the Charter or the Design Guidelines.

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