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YARBROUGH FARMS
AUBURN, ALABAMA

ARCHITECTURAL AND DESIGN CRITERIA
&
Construction Guidelines

Architectural Design/Review and Construction Guidelines

Developers Statement

Yarbrough Farms, LLC is committed to preserving the natural beauty of the landscape of the Yarbrough Farms development. The Declaration of Protective Covenants along with the Architectural/Design and Construction Guidelines are designed to assure and preserve certain high standards of aesthetics and materials.

The existence of the Architectural Review Committee and its publication of these criteria guidelines are intended for the mutual benefit of all Owners of property in the Yarbrough Farms community.

Limiting Conditions

This manual sets forth the *minimum* standards of design for Yarbrough Farms and the homes located within the development. This manual may be revised over the course of the development as the Architectural Review Committee and/or the Developer deem necessary in order to fulfill the intent of these guidelines.

Under the terms of the Declaration of Covenants for Yarbrough Farms, these guidelines are binding on all parties having an interest in any portion of the community. Each owner is required to comply with the requirements set forth in this Manual. Any failure to comply with these requirements will be subject to the remedies provided in the Declaration of Protective Covenants for Yarbrough Farms, in addition to the legal remedies contained in the various legal agreements executed by Yarbrough Farms, LLC and the Owners.

Architectural Review Committee

The decisions concerning construction plans are solely determined by the Yarbrough Farms Architectural Review Committee according the Paragraph 4 of the Covenants:

“No construction or improvements, which terms shall included, but not limited to, fencing (of any kind or type), staking, clearing, excavation, grading, site work, landscape planting, removal of plants, trees or shrubs, shall take place or be erected, altered, or placed on any lot within the Property until and unless plans and specifications, including a site plan showing the location of the structure and any other improvements on or to the lot, have been approved in all respects by the ARC....The ARC shall establish its own requirements, procedures, policies, and time frames, which requirements shall be available, on request, to lot owners, their architects or builders.”

One of the most effective methods of assuring the protection of the natural beauty of the Yarbrough Farms community is through the establishment of high standards of architectural review. All construction within the Yarbrough Farms community (buildings, garages, site work, building exterior improvements, etc.) must be approved through the architectural review process. All proposed construction or modifications shall also be approved by the ARC. The ARC will be operated by Yarbrough Farms, LLC until they relinquish its function to the Association. The ARC is responsible for carrying out its duties on behalf of all Members of the Association for the benefit of the total community. The ARC reviews all plans for construction and landscaping.

The ARC shall meet at least once per month or more, as needed, to review plans submitted for approval. The ARC is charged with the following responsibilities:

- To establish architectural motifs and exterior architectural themes.
- To establish architectural standards and criteria.
- To review all architectural applications for compliance with the Architectural Criteria and Design Guidelines as well as the Covenants and Restrictions.
- To assure compatible architectural standards and harmonious relationships with neighboring properties.
- To require high standards of architecture and construction.
- To establish fees for the review of applications, construction deposits and fines for violations as may be required.
- To assure that all properties are maintained in conformance with community wide standards.
- To monitor violations of the Architectural Criteria and Design Guidelines and notify the Owner, Builder, Developer and/or the Owners Association for appropriate action.
- To amend Architectural Criteria and Design Guidelines as may be required from time to time.
- To contact applicants whose plans and specifications have been disapproved and to provide reasonable assistance and recommendations for adjustments to bring application in to compliance.
- To maintain copies of applications, architectural documents and related records.

Enforcement powers:

Should an architectural violation occur, the ARC has the right of injunctive relief to require the Owner or Builder to stop, remove and/or alter any improvement in a manner which complies with the standards established by the ARC.

Approval by the ARC does not negate the obligation of the Owner or Builder from obtaining any required governmental approvals. If such approvals are required and not obtained, the ARC and/or the governmental agency may take whatever action necessary to obtain compliance.

Review Fees/Construction Deposits:

The ARC may establish a review fee to cover additional expenses required by the consulting of a professional in regard to any plan submitted including, but not limited to a registered architect, professional land surveyor, professional engineer.

The ARC may establish a construction deposit for the cost of trash removal violations and/or to repair construction related damage to adjacent properties.

Contact the ARC prior to submittal for current deposit amounts.

Construction Compliance Inspections:

Periodic inspections may be made by the ARC while construction is in progress to determine compliance with the approved architectural plans and specifications. The ARC is empowered to enforce its policies, as set forth in the Declaration and this Manual, by any action, including an action in a court of law, to insure compliance.

ARC CONSIDERATION

Several major considerations of the ARC are listed below as guide only and not intended to be all inclusive of the considerations given to each plan.

- How the elevations of all sides of the home will appear from the neighboring view as well as the street view.
- How well the house blends with its immediate neighbors, including but not limited to the style, colors, materials and roof pitch.
- Architectural Style. It is the intent of the Developer to encourage architectural styles that enhance the natural ascetics of the community. Plan designs must not be duplicated within close proximity of one another.
- Colors. Exterior color selections may not be duplicated within view of another home. The brick style and/or trim colors of surrounding homes should be considered before submitting your color selection to the ARC. It is the intent of the Developer that exterior colors harmonize with the natural settings. No bright colors will be approved.
- Materials. Brick, stucco, wood and hardie-plank sidings are preferred. Roofing materials should be an "architectural" style fiberglass shingle. Metal and tile roofing materials will be considered on a case by case basis. No unpainted or unstained exterior wood is allowed. Decks must be painted or stained with a color approved by the ARC.
- Fireplaces. Chimneys must be constructed of brick or stucco. No wood or siding chimneys are allowed.
- Utility Service Area. All utility service connections and HVAC connections must be screened by landscaping.
- Landscaping. The ARC will review the overall impact of the home on the lot and in the street scene. The landscape plan will play a role in mitigating the trees that must be removed to accommodate the home, screening garages and buffering the home from the street and neighboring homes. The ARC recommends using Zoysia (Meyers or Emerald) sod. Other shade tolerant grasses will be considered on a case by case basis.

DESIGN REVIEW PROCEDURE

The following procedure is outlined for plan submissions for all single family, detached homes. All plans should be submitted to:

Architectural Review Committee
Yarbrough Farms Owners Association
753 East Glenn Avenue
Auburn, Alabama 36830

1. REVIEW RELEVANT DOCUMENTS:

- a. Lot Purchase Agreement
- b. Yarbrough Farms Owners Association, Inc. Declaration of Covenants and restrictions.
- c. Architectural Criteria and Design Guidelines

2. PRELIMINARY MEETING:

Once you have completed your preliminary building plans, tree survey, pictures, ideas or elevations for home construction and landscaping, you may schedule a preliminary visit with the ARC. Owners are encouraged to have their builder, architect and landscape architect participate, if possible. The fee for review, if any, is due upon preliminary review. This is a one time, non-refundable fee. To schedule a preliminary review meeting; call 334)821-0928. Appointments are limited and scheduling is on a first come, first served basis.

3. BUILDER APPROVAL:

After your preliminary meeting, you should proceed with having your home, site and landscape plans finalized. It is during this step that your builder and landscape contractor must be approved. The approval procedure consists of having your builder and landscape contractor complete the appropriate application and submitting it to the ARC. Notice of Approval/Rejection will be mailed to both of you within 14 days of submission.

4. FINAL SUBMITTAL:

When you have completed your plans and within 90 days of your anticipated construction commencement date, you should deliver to the ARC the items listed below:

- A. Review fee(if not paid at preliminary review)
- B. Construction Deposit. This deposit will be utilized to repair any damage caused by construction personnel or equipment to adjacent property, amenities or used to clean the construction site if deemed necessary by the ARC. This deposit, less any funds withheld due to damage or clean-up required, will be returned upon receipt of a copy the Certificate of Occupancy by the ARC.
- C. A completed application form.
- D. Two sets of each of the following:
 - 1. Site Plan/Drainage Plan/Tree Survey (these should be combined into one drawing) 1"=10' or 1"=20' scale. These must be drawn by a registered professional.
 - a. Site Plan – show all property lines and location of home, driveway and walks, utility service connections and screening. Your plans will not be approved without utility service connections shown.
 - b. Drainage Plan – show that the lot and residence have proper drainage to provide positive water low off the property which does not adversely affect adjacent properties. This plan must be prepared by a registered land surveyor or professional engineer.
 - c. Tree Survey – show all the trees on the lot which are 6 inches or larger as measured at 4' above grade (DBH or diameter at breast height). List species and size of each tree. Trees to be removed are to be clearly marked with an "x" and a written explanation for removal noted ("In house perimeter" or "Dead"). Prior to submission of the survey, you should physically flag the trees to be removed, as well as stake the lot lines and the perimeter of the home, driveway and walkway.

2. Blueprints - complete set of building plans, to include: all exterior elevations, foundation plans and wall sections. Stock building plans with minor marked-up revisions may be approved for submittal at the preliminary review meeting.
3. Landscape Plan - Show the types, sizes and quantity of plants to be installed. The foundation of the home is to be landscaped on all sides with the greater of 7 gallon or 50% foundation coverage at installation. Side entry garages shall have a buffer planting along the property line to screen the garage doors from neighbors view (evergreen only). These buffer plantings must be 36" tall at installation. A plant schedule is required along with the plan, showing the name, quantity and size, height and spread of the plants at installation. Rear yards on golf-course lots will be required to show full landscaping, including sod. Landscaping of rear yards on non-golf course lots will be considered on a case-by-case basis. Plant beds and other non-grassed areas or "natural" landscape areas must be kept free of weeds, debris and other unsightly materials. Landscape plans must be prepared by a registered Landscape Architect.
5. **COMPLETION** - Once construction is complete and landscaping is fully installed you may request a refund of your Construction Deposit by submitting the following, along with a written request to the ARC:
 1. Drainage Plan Certification, as-built survey of all improvements on the lot. This plan shall include, but not limited to the following:
 - a. Location of house, garage, driveway, walks, decks, patios, utility service area and proximity of adjacent houses.
 - b. Location of trees, plant beds etc. including a detailed topographic survey of the lot to show final drainage as constructed. Plan shall show swales across side lot lines to existing lots and/or houses where applicable, finish floor elevations of garage slab and on-site topo equivalent to a minimum of 25' grid to verify drainage is in compliance with approved drainage plan, and that the grading does not adversely affect adjacent lots. This plan must be reviewed by the ARC at a regularly scheduled meeting before the refund is issued.
 2. Certificate of Occupancy issued by the City of Auburn, Alabama.

ARC FINE SCHEDULE

The following are some of the areas of non-compliance for which fines may be levied by the ARC. Other violations may be assessed fines as circumstances warrant. If a fine is assessed and construction halted, it must be paid before construction can resume.

1. Unauthorized Tree Removal: \$250 to \$1000 per tree depending on size, location, species and number of violations. Construction will be halted until a landscaping plan showing the replacement of the trees is approved by the ARC.
2. Failure to request a pre-pour foundation inspection: \$250 plus an as-built survey. Construction will be halted until the survey is received and approved.
3. Violation of construction site guidelines: lack of erosion control, unauthorized signs, trash overflow or failure to deposit all trash in receptacles; no trash container on site; no portable toilet on site: Construction will be halted and \$50+ for each separate violation, per day.

Construction Site Guidelines

The following guidelines shall apply to any and all construction, improvement or alteration of any structure, to any change to the exterior of any structure, and/or grading, excavation, tree removal, landscaping or any other change to the grounds of a single family lot within Yarbrough Farms. In the event a violation occurs, construction or the work underway shall cease until the violation is corrected.

1. Start of Construction – no clearing or placement of construction equipment or material shall be permitted until all required governmental permits are obtained and written approval by the ARC has been granted. The Builder shall schedule an on-site review of the staking and tree survey with the ARC prior to the start of construction but after the approval of plans by the ARC.
2. Portable Toilets – portable toilets must be placed on the construction site in a manner so as to least disturb other residences and construction sites.
3. Construction Traffic – all construction traffic shall access the development through a designate construction entrance, if any. For security purposes, Builders must furnish a complete list of the contractors, subcontractors and employees who are permitted on the site. No vehicle shall be parked on any other Lot, whether vacant, under construction or completed. Washing of construction vehicles or equipment is not allowed. Builders and their subcontractors shall make every effort to minimize construction traffic and equipment around existing trees and landscaping. The use or access through adjacent lots or common areas is strictly prohibited without written permission from that property owner and the Developer.
4. Construction Hours - Construction will only take place between the hours of 7:00 am and 7:00 pm Monday through Saturday. No construction will take place on Sundays and Holidays. The ARC may grant other hours under special circumstances.
5. Site Clean-up - All trash must be contained in a receptacle on the construction site. The Owner/Builder are responsible for the trash that blows off the site and shall retrieve such trash immediately. There will be no stockpiling or dumping on adjacent Lots or on streets, driveways or easements. Any trash not removed from the site in a timely manner will be removed by the Developer or the ARC and the cost of this removal will be billed to the Owner/Builder. Contractors will only use the utilities provided on the site on which they are working. All contractors and subcontractors are responsible for keeping their immediate work areas free of discarded materials such as drink cups/bottles and lunch bags. No trash should ever be thrown out of cars or trucks.
6. Site clearing - No lot shall be cleared until all plans have been approved in writing by the ARC. Any plants, vegetation or trees uprooted or cut from the approved clearing area must be removed from the site and Yarbrough Farms within 5 working days.
7. Builder's Signage – Only one sign showing the Owner, Builder and Architect will be allowed. All documents and permits will be placed in a document container on the rear of this sign.
8. Construction Damage – Any damage to streets, drainage inlets, sidewalks, curbs, streetlights, street markers, landscaping, etc., will be repaired immediately by the

Yarbrough Farms

Application for Architectural Review

Submission Date: ____/____/____

Received by: _____

Property

Lot Number _____

Housing Type _____

Street Address _____

Builder _____

Owner _____

Address _____

Address _____

Telephone (h) _____
(w) _____

Telephone (1) _____
(2) _____

Architect _____

Landscape Arch _____

Address _____

Address _____

Tel _____

Tel _____

Enclosed Dwelling Area

PLAN DESIGN

First Floor _____ sf
Second Floor _____ sf
Basement _____ sf
Total Heated _____ sf
*minimum 2000 square feet

Have these plans been approved and built in Yarbrough Farms before? _____ Which lot: _____

Are these plans Southern Living Plans? _____

Items Required for Submission (Please refer to ARC Manual for additional explanations):

1. Original Application signed by all parties.
2. Review Fee (\$250 non-refundable).
3. Site plan/Drainage Plan/Tree Survey
 - (1"=10' or 1"=20').
 - show all property lines, required and actual setbacks, golf course buffer
 - show actual topo and proposed grading
 - show driveway and all walks location
 - show Utility/HVAC service area and screening.
 - show all trees 8" caliper measured at 4' above breast height. Clearly mark those to be removed.

4. House plans (2 sets) must include:
 - 1/4" = 1'
 - all exterior elevations
 - floor plans
 - foundation plans
 - typical wall section

5. Color Board (maximum 8.5 x 11):
 - include all exterior material samples and paint colors

6. Landscape Plan designed by Registered Landscape Architect

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Application for Architectural Review

SETBACKS

	Required	Submitted
Front	20'	_____
Rear	25', golf course 20' non golf	_____
Left	5'	_____
Right	5'	_____

EXTERIOR MATERIALS & COLORS

BE SPECIFIC – show manufacturer or brand name and number in the description column. A color board is required. Actual samples are to be included.

	Material	Color	Description
Roof	_____	_____	_____
Siding	_____	_____	_____
Mortar (brick only)	_____	_____	_____
Deck/stair rails	_____	_____	_____
Chimney	_____	_____	_____
Fascia	_____	_____	_____
Trim	_____	_____	_____
Shutters	_____	_____	_____
Windows	_____	_____	_____
Garage Doors	_____	_____	_____
Exterior Doors	_____	_____	_____
Front door	_____	_____	_____
Driveway	_____	_____	_____
Walks	_____	_____	_____
Pool	_____	_____	_____
Pool Deck	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

FEES AND DEPOSITS

Application/Review Fee: \$250.00, due upon submission of application. Payable to Yarbrough Farms Architectural Review Committee.

Construction Deposit: \$3000.00, due on approval of plans, prior to commencement of construction. Payable to Yarbrough Farms Architectural Review Committee. The deposit is fully refundable unless fines have been imposed for non-compliance.

ACKNOWLEDGEMENT

Application for construction of a single family residence within Yarbrough Farms is made by the parties below with the full knowledge and understanding of the Yarbrough Farms Declaration of Protective Covenants and the Policies and Guidelines of the Architectural Review Committee (ARC) and parties below agree to adhere to the same.

Owner and Builder are responsible for adherence to all policies as set for the in the Yarbrough Farms Declaration of Protective Covenants, ARC guidelines and this application and agree to adhere to the plans and specifications submitted and approved by the ARC. Any exterior changes to approved plans must be submitted as outlined on this application and approved by the ARC. Removal of trees other than those shown on the final approved on the site plan or subsequently approved by the ARC is not permitted. Unapproved plan changes, tree removal or clearing/grading constitutes non-compliance and fines and/or penalties will be imposed. During the construction period, the site will be inspected by the ARC to determine continuing

Yarbrough Farms

Application for Architectural Review

compliance. Failure by the ARC to detect or object to an unauthorized design change or other non-compliance during the construction process does not relieve the Owner and/or Builder of any obligation to correct the non-compliance.

Applicants will be notified within 7 days of the ARC meeting of approval or non-approval. Oral representations by any board member will not be binding on the ARC. NO IMPLIED WARRANTIES OF GOOD WORKMANSHIP, DESIGN, HABITABILITY, QUALITY, FITNESS FOR PURPOSE OR MERCHANTABILITY SHALL ARISE AS A RESULT OF ANY PLANS SPECIFICATIONS, STANDARD, OR APPROVALS MADE OR PUBLISHED BY YARBROUGH FARMS, LLC, THE ARCHITECTURAL REVIEW COMMITTEE, THEIR SUCCESSORS OR ASSIGNS.

By signing below, all parties acknowledge receiving, understanding and accepting the guidelines and policies as set forth above, as well as in the Declaration of Protective Covenants and the Architectural Design and Construction Standards, certify that information provided on this application is true and correct.

Owner Date

Builder Date

Owner Date

Architect Date

Landscape Architect Date

ARC USE ONLY

ARC Received by: _____ Date _____

Review Deposit by: _____ Amount: _____ Date: _____

Approval/Disapproval: _____

Construction Deposit Received: _____ Amount: _____ Date: _____

Construction start: _____ end: _____ CO Date: _____

Deposit Refunded: _____ Amount: _____ Date: _____

Builder or Owner. The Developer and/or the ARC may cause the repairs to be made and the cost billed to the Builder or Owner or taken from the construction deposit.

9. Construction Spillage – Operators of vehicles are responsible for immediate clean-up of load spillage and/or leakage of any kind from their vehicles. Clean-up must be immediate. Clean-ups charges performed by the ARC will be billed to the responsible party or taken from the construction deposit.
10. Vehicles and Equipment – No vehicles (trucks, cars, vans, etc.) may be left on the construction site or within Yarbrough Farms overnight. Construction equipment may be left on the site overnight but must be kept off the street.
11. Noise Levels – Absolutely no radios will be allowed to be played outside during construction. Radios playing inside should be kept at a level which cannot be heard outside.
12. Personnel – Only bona fide workers are allowed on the construction sites and within Yarbrough Farms. **NO ALCOHOLIC BEVERAGES OR PETS ARE ALLOWED.**

The ARC intends to enforce these regulations. Violations may result in the loss of Builder Approval status and cause you to forfeit your privilege to work within the Yarbrough Farms community.