

ARC GUIDELINES FOR SOUTHERN TRACE

EFFECTIVE AS OF APRIL 3, 2007

(SUPERCEDES ALL PRIOR VERSIONS)

The Developer of the Southern Trace Residential Subdivision is desirous of an aesthetically pleasing and functionally convenient community and for that purpose has declared and recorded a Declaration of Covenants, Conditions, and Restrictions for Southern Trace, a Residential Subdivision, dated June 16, 2006, and recorded in Book LR200610, Page 14270 in the Office of the Judge of Probate of Jefferson County, Alabama, as amended by First Supplemental Declaration of Protective Covenants for Southern Trace, a Residential Subdivision, dated November 30, 2006 and recorded in Book LR 200610, Page 14270 in said Probate Office (as amended, the "Declaration") applicable to all improvements within said Subdivision. The Declaration establishes the Southern Trace Homeowners' Association, Inc. (the "Association") and the Southern Trace Architectural Review Committee (the "ARC") and sets forth its jurisdiction, powers, obligations, and rules and regulations under which the ARC will conduct its review of proposed improvements. *All capitalized terms used in this document without definition shall have the meanings set forth in the Declaration.*

The ARC has been established to defined and interpret aesthetic standards for Southern Trace and examine, approve, or deny all proposed improvements for all residences. ARC approval must be obtained for, but is not limited to: any Dwelling, fence, wall, sign, lighting system, site paving, grading, parking lot, screen enclosure, sewer drain, disposal system, statuary, signs, flags, flag poles, water fountains, yard sets, window awnings or other exterior window covering, decorative building, landscaping, landscape device or object. Reference is made to the Declaration for the procedures for obtaining ARC approval.

Set forth below are the ARC Guidelines referenced in the Declaration, which such ARC Guidelines are effective as of April 3, 2007 (and which expressly supersede all prior ATC Guidelines previously adopted for the Subdivision), but may be amended or supplement from time in accordance with the provisions set forth in the Declaration:

1. Limitation on Size and Location of Structures.

(a) No structure shall be erected, altered, placed or permitted to remain on any Lot other than a Dwelling not to exceed two and one-half (2 1/2) stories and a minimum enclosed garage for one (1) cars. No detached building other than the Dwelling shall be constructed or permitted on any Lot unless previously approved by the ARC. The Dwelling shall be located on each Lot in conformity classification for the Property with Jefferson County, Alabama. No Dwelling, or any other improvement on a Lot, may be constructed within any easement area shown on the Subdivision Record Map.

(b) The minimum heated and/or cooled floor area for each Dwelling located on any Lot shall be as follows, depending on which Phase or Sector the Dwelling is situated in:

(i) For each Dwelling located in Southern Trace Cottages (Phase VI and VII):

- (1) 1,200 square feet for a one (1) story Dwelling;
 - (2) 1,400 square feet for a one and one-half (1-1/2) story Dwelling;
and
 - (3) 1,400 square feet for a two (2) story Dwelling.
- (ii) For each Dwelling located in Southern Trace (Phases VIII, IX, X, AND XI):
- (1) 1,200 square feet for a one (1) story Dwelling;
 - (2) 1,600 square feet for a one and one-half (1-1/2) story Dwelling;
and
 - (3) 1,600 square feet for a two (2) story Dwelling
- (iii) For each Dwelling located in Southern Trace (Phase One):
- (1) 1,600 square feet for a one (1) story Dwelling;
 - (2) 1,800 square feet for a one and one-half (1-1/2) story Dwelling;
and
 - (3) 1,800 square feet for a two (2) story Dwelling.
- (iv) The minimum heated and/or cooled square footage requirements set forth in subsections (b) and (c) above may be modified by the ARC, subject to zoning requirements, and at the sole discretion of the ARC, following review of the final construction plans of a proposed residence to be built on a specific lot.
- (v) The maximum building height for Dwellings shall be forty (40) feet from the top of the slab.

2. **Design Guidelines.** All Dwellings and Lots shall be subject to the following Design Guidelines:

(a) The front roof pitch on any Dwelling shall not be less than 6:12, 8:12, or 9:12, unless first approved in writing by the ARC.

(b) All porches on the front and sides of any Dwelling shall either be supported by the foundation of the structure or shall have column supports which matches an exterior finish used in the foundation of the structure.

(c) No exposed block shall be visible on any portion of the foundation of any Dwelling.

(d) No cantilevered chimney chases shall be allowed on the front of any structure. All chimney chases on the front of the structure shall be supported by the foundation of the structure.

(e) Either wood frame, vinyl, or aluminum windows may be used on any portion of the Dwellings constructed. Reflective glass shall not be permitted on the exterior of any Dwelling. No foil or other reflective materials or bright colors shall be installed on any windows or used for sun screens, blinds, shades, or other purposes.

(f) No concrete block walls, including foundations, concrete block steps, walkways, walls or any other concrete block work, whether painted, stuccoed or otherwise, shall show from the exterior of any building.

(g) All Dwellings must be brick on at least the front and sides of each such Dwelling, provided that siding accents will be allowed as long as the same are first approved by the ARC. Approved exterior building material finishes for the rear of any Dwelling located on the Lots described in this subsection (g shall include brick, stone, stucco, solid wood siding (e.g., cypress or other solid wood), composite wood siding, and any other materials as may be approved by the ARC. No black mortar will be permitted. All wood surface or siding accent which are permitted on the exterior of any Dwelling shall be painted; stained wood shall not be authorized; provided, however, that the foregoing shall not be deemed to require decks on the rear of a Dwelling to be painted nor shall the foregoing be deemed to prohibit the staining of doors.

(h) Exterior painting will be in soft tones not to include high gloss finishes or pure red. All exterior colors, including, without limitation, the color of all roof shingles, brick, stone, stucco, wood, trim, cornices, eaves, railings, doors and shutters shall be subject to the approval of the ARC.

(i) All front and side yards of each Lot shall be sodded with grass, unless otherwise approved by the ARC as a natural area or unless the same is landscaped in accordance with plans approved by the ARC. All other disturbed areas must be seeded and strawed or have an approved ground cover or landscape treatment.

(j) No hedge or shrubbery planting which obstructs sight-lines of streets and roadways shall be placed or permitted to remain on any Lot where such hedge or shrubbery interferes with traffic sight-lines for any of the public or private roadways within the Property. The determination of whether any such obstruction exists shall be made by the ARC, whose determination shall be final, conclusive and binding on all Owners.

3. Maintenance.

(a) All Dwellings, landscaping and other improvements upon individual Lots shall be continuously maintained by the Owner thereof so as to preserve a well-kept appearance, especially along the perimeters of any Lot.

(b) No trash, garbage or other refuse shall be dumped, stored or accumulated on any Lot. Trash, garbage or other waste shall not be kept on any Lot except in sanitary containers or garbage compactor units. Garbage containers, if any, shall be kept in a clean and sanitary

condition, and shall be so placed or screened by shrubbery or other appropriate material approved in writing by the ARC so as not to be visible from any road or within sight distance of any other Lot at any time except during refuse collection. No outside burning of wood, leaves, trash, garbage, or household refuse shall be permitted, except during the construction period, or except as specifically approved by the ARC.

(c) No weeds, underbrush or other unsightly growth shall be permitted to grow or remain upon any part of a Lot and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain upon any part of a Lot, including vacant parcels. No Owner shall allow the grass on its Lot to grow to a height in excess of six (6) inches, measured from the surface of the ground. This provision shall not apply to the Developer until the last Lot is sold to an Owner other than the Developer.

4. **Temporary Structures.** No structure of a temporary character, trailer, basement, tent or shack shall be used at any time as residence either temporarily or permanently with the exception of a sales trailer during sale of homes under construction. No storage building of any type shall be permitted unless such building is designed as part of the main residential structure and approved by the ARC.

5. **Lighting.** All exterior lighting of Dwellings shall be in character and keeping with the general Subdivision. Yard lighting shall be such that it does not shine toward and/or disturb adjoining land Owners.

6. **Mailboxes.** Each Lot shall have a decorative mailbox which shall be of a design as shall be proscribed by the ARC (all such mailboxes shall match throughout the Subdivision). Each Owner will be required to keep such mailbox in working order and repair.

7. **Swimming Pools.** No swimming pool shall be constructed, placed, altered or maintained upon any Lot without the prior written approval of the ARC of the type, design and location thereof. Any such swimming pool must be also constructed, equipped and maintained in accordance with the county and state authorities. All swimming pools must be properly screened for safety and privacy from adjoining Dwellings.

8. **Satellite Receiving Dish.** No satellite receiving dish or antenna system of any kind shall be located on any Lot, home or building within the Subdivision except that a satellite receiving dish not greater than 18" in diameter may be installed in a location not visible from any street with the prior express, written permission of the ARC.

9. **Signs.** No sign of any kind shall be displayed to the public view on any Lot or Dwelling except the temporary professional sign of not more than six (6) square feet, advertising the Lot or Dwelling for sale or rent, or signs used by a General Contractor to advertise during the construction and sales period. All signs shall comply with any design specifications adopted by the ARC. No signs shall be nailed to trees. This provision shall not apply to the Developer so long as it owns any Lots within the Property.

10. HVAC Equipment.

- (a) Outside air conditioning units may not be located in the front yard or any required side yard or corner lots. No window air conditioning units shall be permitted.
- (b) No plumbing or heating vent shall be placed on the front side of the roof.

11. Storage of Boats, Trailers and Other Vehicles. No motor homes, boats or other water vehicles of any kind, trailers, or service trucks or service vans can be parked or stored in any location that can be seen from the street for a period in excess of 48 hours. No wrecked automobiles, disabled automobiles or vehicles other than operating vehicles shall be stored or located on any Lot.

12. Fences. The only fencing permitted shall be wooded, decorative wrought iron, or vinyl not greater than six feet (6) in height on interior lots, except with regard to maintenance areas within the Common Area and fences (if any) erected by Developer. No fences shall be allowed in front yards. Electric fences shall not be permitted (other than invisible pet fencing). The type of materials utilized for (including the color thereof) and the location of all fences must be approved by the ARC. No fence shall be closer to the street than the rear wall of the home without ARC approval. All fencing on corner lots must be specifically approved by the ARC prior to installation.

13. Outdoor Furniture, Recreational Facilities and Clotheslines.

(a) No furniture shall be placed, kept, installed, maintained or located in or on the front or side yards or areas of a Lot or Dwelling. Any furniture placed, kept, installed, maintained or located at the rear of or behind a Dwelling shall, to the greatest extent practicable, be located so that the same shall not be visible from any street.

(b) Wood piles shall be located only at the rear of a Dwelling and shall be screened by appropriate landscaping from view from streets and, to the extent practicable, from adjacent Lots and Dwellings.

(c) Children's toys, swing sets, jungle gyms, trampolines and other outdoor and recreational equipment and appurtenances shall be allowed only at the rear or behind a Dwelling and shall, to the extent practicable, be located so that the same are not visible from any street.

(d) Free-standing playhouses and treehouses shall be permitted but only after ARC approval of the same.

(e) The location of basketball backboards must be approved by the ARC. Basketball goal backboards should be of clear plexiglass or acrylic.

(f) Outside clotheslines or other outside facilities for drying or airing clothes shall be prohibited on any Lot or Dwelling. No clothing, rugs or other items shall be hung, placed or allowed to remain on any railing, fence or wall.

(g) Barbecue grills or other types of outdoor cooking equipment and apparatus shall be located only at the rear of a Dwelling and, to the extent practicable, shall not be visible from the street.

(h) Except as otherwise approved by the ARC, bird feeders, wood carvings, plaques and other types of homecraft shall not or be permitted in the front or side yards of any Lot or Dwelling nor shall any of the foregoing items be attached to the front or side of any Dwelling. Except as otherwise approved by the ARC, all bird feeders, wood carvings, plaques and other types of homecrafts shall be located only at the rear of a Dwelling and shall not be visible from any street.

(i) No bird baths, fountains, reflectors, statutes, lawn sculptures, lawn furnishings, artificial plants, bird houses or other fixtures and accessories shall be placed or installed within the front or side yards of any Lot or Dwelling without the prior approval of the ARC.

14. Tree Planting Requirements. Each Lot shall have a minimum of 1-1/2 include caliper tree planted on each Lot.