

MOUNTAIN BROOK COMMUNITY ASSOCIATION

ARCHITECTURAL STANDARDS

JUNE 2005 REVISION

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MOUNTAIN BROOK COMMUNITY ASSOCIATION ARCHITECTURAL STANDARDS

1.0 PURPOSE

The purpose of this document is to describe the architectural standards that have been established for the MOUNTAIN BROOK community. The standards have been established in order to provide a safe and pleasant atmosphere throughout the community and to protect property values.

It is the intention of this document to explain and clarify the various regulations so that homeowners will better understand their responsibilities toward maintaining the excellence of the community. The rationale for the various requirements are provided in order to help members understand their obligations. In all instances, the goal has been to maintain the quality of our community without placing undue burden on individual homeowners.

This document has been prepared by the Architectural Review Committee. It is an update to the July 1997 Architectural Standards and Homeowner Use Restrictions Guide. Use restrictions are contained in the Revision 2 - 2005 Procedures, Rules, and Standards Guide.

2.0 BACKGROUND

The Mountain Brook Declaration of Covenants (DOC), to which all homeowners have agreed, established the Mountain Brook Community Association (MBCA) in order to provide for well planned development of the Mountain Brook Community. The DOC established a Board of Directors (BOD) to manage association operations and provided for the creation and maintenance of mutually beneficial architectural standards, and it established the New Construction Committee (NCC) and the Modifications Committee (MC). These two committees have been merged and is now called the Architectural Review Committee (ARC). The ARC is charged with advising the Board on requests for new construction and major modifications. The ARC is also responsible for advising the Board on revisions to the standards and enforcement of violations.

The DOC empowers the Board of Governors to provide for the administration, maintenance, preservation, use and enjoyment of the common grounds and facilities and for maintaining and enforcing architectural standards. The ARC assists the Board in maintaining excellent architectural standards.

The DOC broadly defines architectural standards in Article XI and empowers the BOD with the authority to establish design and development guidelines and application and review procedures. Article XII establishes some basic requirements such as unit size, setbacks, and composition of driveways.

3.0 REVISIONS

It is recognized that the details of the architectural standards may change from time to time. Accordingly, this document may be revised as necessary to reflect changing conditions, the intentions or the Board or the community. All changes must be approved by the Board.

When a change has been implemented, structures, etc. that were approved and constructed under earlier standards are "Grandfathered". However, replacement of a "Grandfathered" item will be subject to current standards.

4.1 NEW CONSTRUCTION STANDARDS

4.1.1 PLAN APPROVAL REQUIREMENTS

The Architectural Review Committee (ARC) has the responsibility to review and recommend approval/disapproval to the Board for final decision on any exterior construction, addition, erection, or alteration. None of these activities is permitted without prior permission of the Board. The primary consideration for approval is aesthetics and the Board is the sole arbitrator of such plan approval. The two-fold objective of the review procedure is to ensure compliance with specific standards and to make sure that the residence is harmonious with

the prevailing appearance of surrounding architecture in the community. Since aesthetic consideration is based on individual taste, the ARC incorporates the judgment of several people to reach a consensus judgment and then the

Board reviews the recommendation again before making a final decision. For new construction, the owner/builder must submit two sets of detailed plans, along with a site elevation. When the plans are received, the Chairman of the ARC will assign at least three members of the committee to review the plans. Each member of the review team will recommend one of the following:

- 1) To approve the plan unconditionally
- 2) To approve the plan subject to certain conditions
- 3) To disapprove the plan (With a complete rationale for the recommendation)

The ARC will then meet and make a formal recommendation to the Board, based on review of the three recommendations. The Board will then review the recommendation of the ARC, make a final decision and inform the owner/builder in writing of the decision of the Board.

If the owner/builder does not agree with the decision of the Board, he/she may appeal to the Board to reach an acceptable solution. **In any event, construction may not begin without Board approval.**

TIMETABLE: If plans are not approved or disapproved within 60 days of submission to the ARC, construction may begin without approval. Because time is critical to many projects, the goal of the Board is to make a decision within 7 days of plan submission to the ARC. All possible effort must be made to accommodate the needs of the owner/builder with respect to a speedy response.

4.1.2 CONSTRUCTION RESTRICTIONS

The architectural standards defined here reflect the specific items initially addressed in 1988 by the Declaration of Covenants (DOC) in Article XII and by the Board of Directors in 1997. These standards affect size and type of structure, roof slope and shingle materials, exterior siding materials and color, garages and appendages such as porches and decks. They also affect building setbacks, lot dimensions, and landscaping.

MINIMUM AREA: All single story, single family residences within the Mountain Brook Community are required to have a minimum of 1800 square feet of centrally heated living area, exclusive of garages, porches, attics and basements. In addition, all two story single family residences must have a minimum of 1000 square feet on the first floor.

ROOFS: The Board has established a minimum roof pitch of 7/12 (run to rise ratio). The reason for this requirement is aesthetics. This requirement can be waived by the Board in some cases, such as the edges of porches and other areas that do degrade the overall appearance of the community. Roofing materials must be dimensional shake or architectural grade shingles. Standard "three-tab" shingles are not allowed. Metal roofing is not allowed.

GARAGES: The basic requirement is that all residences must have an attached garage. Carports are not permitted. A detached garage is acceptable if connected to the dwelling with a breezeway. All garages must be capable of storing a minimum of two standard size automobiles. On corner lots the garage may not open onto either street..

EXTERIORS: The exterior of all residences must be predominately brick (75%). Brick and paint colors must be compatible with the residences in the community. Limited amounts of siding ($\leq 25\%$) may be approved by the Board. Aluminum, vinyl, or other metallic siding may not be used in any application except for roof and chimney flashings, roof drip edges, rain gutters, downspouts, soffitts and fascia. Rain gutters and downspouts may be seamless aluminum or other metal with factory applied finish to match the rest of the house wood trim, or galvanized steel painted to match the house trim. An option is to paint the downspouts to closely match brick colors. High quality vinyl-clad windows and door units with factory-applied coatings are permitted.

OUTBUILDINGS AND OTHER STRUCTURES: External structures such as storage sheds, shops, or similar structures are prohibited. Dog pens or other confinements for domestic animals are not permitted. Exceptions can be made for well designed gazebos, playhouses and hot tubs when located in a rear privacy area and are not highly visible. Aesthetically pleasing in-ground swimming pools may be approved when they meet all local codes including fencing. Above ground pools are not permitted. In addition, swing sets, basketball goals and other recreational equipment are acceptable when located on the side or in rear areas that are not highly visible. Use of portable basketball goals in front areas is permitted provided that the goals are moved to the back of the house when not in use.

FENCES: No fence or fencing type barrier shall be placed, erected or allowed without approved of the Board. Cedar, redwood, cypress and pressure treated pine are acceptable fence materials. All wire fences, including chain link, are prohibited. All fences shall be constructed in the shadow-box style fence seen along Mountain Brook Boulevard and stained in the same manner with Glidden formula # 2710 0500. Arched top fences are also permitted. Unfinished wood fences are not permitted.

Unless specifically approved by the Board, fence heights are limited to a maximum of six (6) feet relative to the natural contour of the terrain.

EXTERIOR LIGHTING: The initial standards in the DOC prohibit exterior lighting except for a single decorative post light and seasonal lighting at Christmas. The intent was to protect residents from annoying light from nearby properties.

Current standards permit and encourage ground lighting which illuminates the building or landscaping. The lighting should be soft and subtle, using clear or white lights. The lighting must be aesthetically pleasing and compatible with the landscaping plan.

Garish or non-aesthetic lighting is prohibited. Functional lighting for security and safety is acceptable when only used for brief periods. Extended use of house-mounted elevated floodlights is an inconsiderate disturbance to neighbors and is not permitted.

LANDSCAPING AND DRAINAGE: Each residence must be well landscaped with shrubbery and lawn areas. All new construction applications must include complete landscaping and drainage plans for approval by the Board. Utility terminals (electric power, telephone, gas, and TV cable) must be screened by shrubbery plantings, brick enclosures, or other Board-approved method.

BUILDER RESPONSIBILITIES: The prime contractor is responsible for maintaining the job site during the site preparation and construction periods, and up to the final closing of sale. This includes safety and cleanliness of the job site, and the requirement to minimize disturbances and distractions to nearby residences.

A dumpster is required to be on site and used once framing begins. Daily clean up of the job site is required. The prime contractor is responsible for the actions or inactions of his subcontractors. Construction workers should minimize disruption to residents, including appropriate parking, loud voices, radios, etc. Workers may not trespass (such as using driveways and lawns as convenient pathways).

The prime contractor must provide portable toilet facilities for the duration of the construction period. These facilities must be properly maintained and removed promptly at the end of construction. Construction vehicles and other equipment are not allowed to remain at the job site or vacant lots for more than five days prior to or after use. Private vehicles and other vehicles must not cause a traffic hazard by double parking on the street, and are not permitted to block driveways and mailboxes.

EXTERIOR EQUIPMENT ON STRUCTURES: Exterior radio, television, or other antennas are not allowed. Window air conditioners and protruding exhaust fans are prohibited. No solar energy collector panels or attendant hardware or other visible energy conservation equipment is permitted. Exceptions to these requirements may be allowed only if specifically approved by the Board.

Satellite dishes shall not exceed twenty inches in diameter.

EXTERIOR EQUIPMENT ON GROUNDS: Exterior equipment, such as air conditioner condensers and utility terminals and propane storage tanks are required to be screened by suitably colored brick, fencing, or shrubbery. Overhead utility wires are prohibited throughout the Mountain Brook community.

4.2 ADDITIONS, MODIFICATIONS AND REPAIRS

In order to maintain the beauty and value of our Mountain Brook homes, architectural standards must be maintained on a continual basis as well as during initial construction. The Board therefore, requires approval of any modifications or repairs which could impact the harmony of the community.

In general, the standards for additions, modifications and repairs are similar to those of initial construction. A plan approval is required. In order to encourage ongoing maintenance and repair, we discuss repairs and maintenance that do not require approval in Section 4.2.2. Finally in Section 4.2.3, we address specific standards applicable to the most common additions, modifications or repairs.

4.2.1 PLAN APPROVAL REQUIREMENTS

The review procedure for additions, modifications and major repairs is similar to that of new construction. Again, the two-fold objective is to ensure compliance with the architectural standards outlined here and to ensure that the proposed project is compatible with prevailing community standards.

The owner must submit an application for any major changes. Unless detailed structural changes are proposed, word descriptions and sketches may be submitted in lieu of detailed blueprints.

Again, the normal procedure is to have the ARC members review the plan and recommend approval or disapproval to the Board for final decision and notification of the owner.

4.2.2 IMPROVEMENT NOT REQUIRING APPROVAL

In order to encourage ongoing maintenance, approval is not required for projects that do not alter the original appearance of the structure or do not deviate from prevailing community standards and appearance. Examples:

Repainting in original colors. (Note that color changes considered gaudy or loud could be an objectionable violation).

Replacement of roof shingles in original color and pattern.

Replacement of shrubbery or other landscaping items consistent with original plans.

Replacement or repair of downspout and eaves without changing drainage patterns.

Trimming of trees and hedges.

4.2.3 STANDARDS FOR HOME IMPROVEMENT

In general, the requirements specified in Section 4.1.2 for construction apply for improvements. This section contains specific requirements for the items listed.

FENCES: All fences constructed after initial residence construction must be approved by the Board.

EXTERIOR EQUIPMENT ON STRUCTURES: The standards for exterior attachments are the same as those under construction standards outlined in Section 4.1.2. Specifically, antennas, energy conservation items, window air conditioners, and protruding exhaust fans are among the items that may not be added without Board approval.

EXTERIOR COLORS: Any exterior painting in colors which differ from the original approved plans must be approved by the Board. Gaudy or reflective paints are not allowed. In addition, colors that are not gaudy must be compatible with prevailing community standards.

TREE REMOVAL: After construction, healthy live trees may not be removed without Board approval.

OTHER ITEMS: It is not possible to list all possible home improvements that may be considered. In order to maintain community harmony and avoid the difficulty and expense of correcting unacceptable alterations, we encourage homeowners to contact the Board during project planning. The Board is interested in working out solutions which satisfy the homeowner and the architectural integrity of the community.

6.0 ENFORCEMENT

The Declaration of Covenants of the Mountain Brook of Madison Community Association, in place since May 1988, has provided the Association with adequate power to enforce the Architectural Standards developed by the Board. These powers include seeking injunction relief in courts of competent jurisdiction.

Two additional factors are important to note. 1) Failure to enforce any provision shall not be deemed a waiver of a future right to do.. 2) The Board may, in the exercise of reasonable discretion, permit deviation (upon appropriate application to the Board) from these architectural standards.

APPROVAL

**APPROVED BY THE MOUNTAIN BROOK OF MADISON COMMUNITY
ASSOCIATION BOARD OF DIRECTORS**

DATE: June 7, 2005

FOR THE BOARD: Mary Dougherty, PRESIDENT