

POPLAR RIDGE

DESIGN AND DEVELOPMENT GUIDELINES

3/8/2004



INTRODUCTION

Location

Poplar Ridge is a 266-acre tract located in the southern portion of Buncombe County, North Carolina, between Asheville and Hendersonville. The development is being constructed by Poplar Ridge Development, LP.

Purpose of Design and Development Guidelines

The Design and Development Guidelines are to serve as a minimum set of design principles and standards for the community. They clearly outline, illustrate and define design objectives to achieve the high quality and desired character of Poplar Ridge. These guidelines are to be used by any builder or owner within Poplar Ridge.

These Design and Development Guidelines supplement other documents requiring compliance, such as the Declaration of Covenants, Conditions and Restrictions. Because the Design and Development Guidelines are subject to change, it is always advisable to ensure you have the latest copy with any updates or amendments.

DESIGN AND DEVELOPMENT GUIDELINES

General Purpose and Intent of Guidelines

The Design and Development Guidelines for Poplar Ridge provide a framework for coordinated development and integration of various site aspects to create a cohesive pleasant community.

General Lot Standards

Poplar Ridge is located in Buncombe County and is subject to Buncombe County subdivision regulations. The guidelines for building setbacks have been established to meet or exceed Buncombe County requirements.

Lot size: .76 to 5.76 acres
Front yard: 50' (from right-of-way)
Side yard: 15'
Rear yard: 25'

Dwelling

Size - The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, carports and unheated storage areas, decks and patios. Basement is defined as any space below grade regardless of whether it is day lighted or not.

Any dwelling erected upon any lot shall contain not less than the following heated floor areas:

	Minimum Total Heated Area	Minimum Ground Floor Heated Area
1 story	2200 sq. ft.	2200 sq. ft.
2 story, 2 ½ story	2800 sq. ft.	1500 sq. ft.

Maximum Height - The maximum height for a house is two and one-half (2 ½) stories above ground. Greater heights on rear and side elevations may be allowed for steep topography or similar reasons.

On houses that have more than one side visible from roads, the appearance of all exposed sides will be reviewed carefully.

Driveways

Layout Requirements - An asphalt or concrete driveway from the street pavement to the garage is required. The driveway is to meet flush with the street pavement edge. Driveways are not to be in setback areas other than to traverse to the street. Driveway is to be a minimum of 10 feet wide. Houses may have a second driveway.

Use of Specialty Paving Materials - The use of granite pavers/sets, colored concrete, concrete pavers and brick pavers is allowed. The use of stamped concrete forms is allowed. Color, pattern and design should coordinate with and complement the architecture. The use of specialty paving materials will require approval.

Alternative Driveway Designs - Alternative driveway designs such as motor courts, circular drives, etc., may be used to provide additional visual interest. Any driveway design shall not cover more than 25% of the front yard. The remaining 75% must be maintained for grass and landscaping.

The driveway cannot abut the main building foundation except as necessary to enter the garage.

Driveways may be formal -- straight, symmetrical; in a more naturalized setting an informal layout may be appropriate. Where buildings are set back a considerable distance from the street the builder/owner is encouraged to incorporate a meandering driveway layout especially for the purpose of saving trees.

Driveways should be graded when possible with a 16 percent maximum grade. Any deviation must be pre-approved. Driveways should be laid out to minimize grade.

Walks - Surfacing and Layout

Walks shall be built from the street or driveway to the front door or other entrances. Walks should be a minimum of 42 inches wide.

Walks shall be surfaced in concrete with joints every three feet, brick pavers, concrete pavers, flagstone, or slate. Steps must incorporate the same material used in the walk. Gentle curves and radii should be used for walk layouts, avoiding angles or sharp curves. Manholes, valve and water meter boxes and cleanouts shall not be located within the walkway.

Owners/builders are encouraged to incorporate elements such as walkway lighting and similar furnishings along with landscaping to provide an integrated design along the complete walk.

Garages

The placement of garages and driveways has a great effect on the overall streetscape aesthetics and on the architectural interest of each specific building. For that reason certain garage placements are encouraged.

Side loaded garages (attached or detached) are preferred. Where detached garages are front loaded they should be set back a minimum of 15 feet from the plane of the main building's front elevation.

A minimum of a two-car garage is required and must be attached or detached on the main level. A garage in the basement is permitted, but this is in addition to the primary garage.

A porte-cochère is allowed provided it does not extend past the front of the major building façade if positioned to the side, and is constructed of the same building materials as part of the house. A porte-cochère may be positioned at the front of the house in addition to a garage. It should be carefully integrated into the building design.

Grading and Drainage

The Builder is responsible for conducting all clearing, grading and construction operations in a neat, orderly, timely way. Streets are to be left clean and free of dirt and debris. Any work previously done within road shoulders, ditches, rights-of-way, common areas, other lots, etc., which is damaged by the Builder shall be promptly repaired, such as cable cuts, street paving, right-of-way grading, drainage and landscaping. Road shoulders and ditches are to be put back to their original condition before any house is occupied.

Grading and Clearing of any trees greater than 4" in diameter at 60" above the ground, is prohibited within the required setbacks. If are cut, the builder/owner will be required to replace cut trees with 2" caliper trees on a 3 for 1 basis.

Positive Drainage Requirements - The builder/owner is responsible for providing positive drainage away from the house for each lot and not concentrating and discharging storm water as a point source. The Builder is responsible for attempting to use and preserve natural drainage ways to the extent possible.

Roof drainage must be handled so as to not create an erosion or drainage problem on the principal lot or adjacent lots. Gutters and down spouts must provide positive drainage away from the building with either sheet flow or piped to drainage facilities.

Erosion Control Requirements - The builder/owner is responsible for providing erosion control measures in compliance with Buncombe County Erosion Control Ordinance.

1. During site work and house construction, Builder is responsible for maintaining the site, This includes:
 - Providing and maintaining rock ballast mud mats for equipment/vehicle access to/from the roadway.
 - Maintaining erosion and sediment run-off controls.
 - Staging materials and operating/parking equipment so as not to block or damage the roadway and/or existing vegetation/trees.

- Restoring any damage caused by the Builder, subcontractors, or vendors to roadways, shoulders, ditches, culverts, underground utilities and other facilities installed by others.

1. Lot Drainage:

Builder is responsible for providing proper site drainage both during construction and upon completion. If surface drainage will flow onto adjacent lots, adequate erosion controls are the Builder's responsibility.

When routing or creating drainage from the lot, Builder will provide any controls needed to avoid runoff and/or erosion problems. This includes appropriate connections to natural drainage.

A natural drainage way traversing a lot will be assumed by the Builder to continue to carry runoff water after construction of homes within the development. As such, the Builder is responsible for maintaining or re-routing any natural drainage ways traversing the lot in the process of grading the lot and siting the house. Additionally, the Builder will take into account the extent of upstream runoff possible when re-routing and/or maintaining the natural drainage course through the lot.

Special Grading Situations - In general, graded slopes of greater than 3:1 (33% grade) should be broken with retaining walls or terraces. If the height is excessive, multiple retaining walls should be used, separated by a planting area. Slopes greater than 3:1 (33% grade) may be allowed in special conditions and must be approved.

Swales are to be graded shallow but wide to slow run-off. Steep abrupt cuts are to be avoided. Transitions back to natural grade should be smooth.

Berms are to be graded in gently undulating, "naturalistic" shapes, rather than as straight mounds with steep slopes. Berms should not be higher than 48" from the street. In no case should a berm be placed in such a way as to obstruct the sight triangle of any street or the sight triangle for a driveway entering a street.

Lot grading may not alter grading within the street right-of-way. Smooth transitions should be made throughout.

Tree Protection

The protection of healthy stands of mature trees throughout the project is a high priority to the overall design concept; therefore, the Builder is to save areas of trees within individual lots whenever feasible.

Clearing is limited to trees outside the building envelope that are 8" and smaller in diameter. Approval is required on the site plan for removal of any trees 8 " and larger diameter. If approval is not obtained, and trees are removed, the builder/owner will be

required to replace cut trees on a 3 to 1 basis as designated by the Developer. All references to diameter assume measurement five feet above the ground.

No trees, underbrush, or natural vegetation shall be removed from any of the setback areas, except what is necessary for the driveway to pass through the front setback. If any natural vegetation is removed from the setback areas, the Builder will be required to plant natural materials as a buffer to the satisfaction of the Developer.

Architecture/Building Design

Traditional forms, materials, and details will best exemplify the character of Poplar Ridge, and invoke an enduring, timeless quality.

Two key principals should guide the architectural designs for homes at Poplar Ridge:

1. Style of house should be consistent throughout.
2. Building materials and detail should be consistent with chosen building style.

Architectural design should aspire to a community aesthetic, that is, to aspire to complement the other homes in the community.

General Responsibility - The construction of any masonry walls or other structures within a street right-of-way, development of any common open space amenities, streets and cul-de-sacs shall be the responsibility of the Developer.

The builder/owner is responsible for individual site development and maintenance including the area within the street right-of-way (between the back of the street pavement edge and property lines). The builder/owner is responsible for compliance with these Design and Development Guidelines.

Streetscape and Site Massing - The builder/owner is encouraged to create a visually interesting streetscape through the use of varied façades, elevations, materials, colors and arrangements along the street. Front elevations should have a minimum of three vertical planes.

Foundations - Crawl space type foundation systems and basements will be used; slab on grade construction is not permitted for principal dwelling. It is intended that the main floor level of homes appear to be elevated at least two feet above the ground.

Elevation and Façade Articulation - It should be assumed that the houses will be seen from all angles and that there will be a continuity of colors, materials and details on all elevations. However, priority should be given to those sides that are visible from streets and walkways. The most articulated elevations should be those that are in public view.

No material change shall occur on an outside corner. The technique of “shirt fronting” of masonry veneer is not permitted. Masonry and other veneer materials must turn corners and run to the nearest inside corner or a minimum of four feet if an inside corner does not exist.

Fireplaces and Chimneys - Chimneys should be used as a design element with following considerations:

The height of the chimney should be in proportion to the roofline. Chimneys, which barely peek above the roof, are not visually bold enough and therefore are generally unacceptable.

No exposed metal flues or power vents will be permitted. Broad, massive chimneys are encouraged and small, spindly shaped ones will not be approved. Ornamentation through detailing is encouraged. Chimney must be brick, stone or stucco. Chimneys clad with siding are not permitted

Entrances - The builder/owner is encouraged to incorporate front porches or a formal stoop in the design as a transition from outdoors to indoors.

Window Openings - Care should be given to the size, type and organization of all windows. Scattered windows tend to create awkward, face-like shapes and should be avoided. Window placement should be carefully designed to create a balanced composition. They should be sized to be “in scale,” and fit the elevation.

Roof Articulation - Minimum slope on all roofs should be a 6 in 12 pitch. A combination of roof pitches may be used if they are integrated with the design of the house. Roof style should be consistent with style of house. Roof slopes below 6 in 12 pitch may be considered based on the style of the house, but will require special approval.

Front-facing gables are particularly unattractive when placed over the garage door and should be avoided. Gutters and downspouts should be painted to match trim or other adjacent material. Copper drains and gutters are acceptable.

Changes in roof geometry are best when accompanied by offsets in plan. The roof shall have a minimum of three roof planes.

Overhangs of 6” or more must be used on the eaves and rakes. Overhangs must be boxed in to avoid exposing ends of rafters.

The roofs, as an expressive design element, should be kept as visually unobstructed as possible. Vent stacks and other necessary roof protrusions shall be located away from the public view, on the backside of the roof unless this location conflicts with local code requirements. All vent stacks and counter flashing must be copper or painted to match roof color.

Garage Treatment - Garages should be de-emphasized in the overall design of the house so as not to detract from the appearance of the house as a whole. When attached, garages should be well integrated with the overall house design, and should not destroy symmetry of house design. Detached garages should be entirely consistent with the architectural style of the house.

Garage Door Treatment - All garage doors are to be a four-section design and of a color that matches the adjacent wall or trim. Windows are encouraged. No reflective film or foil is permitted on windows.

Treatment of detail on garage doors should be consistent with the overall character of the house. This may be accomplished with windows along the top of the garage door and by breaking up the mass with paneled construction, or with the use of two single doors divided by a column. This breaks up the expanse of the door into appropriately scaled architectural elements.

Exterior Treatment and Materials - It is preferred that natural materials are used for exterior treatment. Materials should be used with restraint in regard to both color and diversity of materials, generally favoring soft neutral tones. The intent is to create a continuity of materials through the community. In general:

1. Samples of finished materials may be requested for approval by the committee.
2. Board and batten is prohibited.
3. Horizontal (lap type) is the preferred wood siding.
4. Log homes and modular construction are prohibited.
5. Waney-edged siding is prohibited.
6. Plywood and particleboard siding are prohibited.
7. Hardiplank or equal siding may be used, but must be of the highest quality and be finished in a noticeable wood grain texture.
8. Materials should be used to emphasize planes and volumes. When different materials adjoin, care should be taken to avoid the look of applied facing. Change in material should not occur on a diagonal.
9. All wood must be painted or stained excluding decks. Naturally weathered wood is prohibited in all cases.

The following exterior materials may be used on buildings:

- Brick - Medium to dark ranges in earth tone colors are preferred, although colors outside the earth tone spectrum may be acceptable. Brick may be painted.
- Stone - May be used except as a thin veneer or as small-disjointed areas of the façade. May be fieldstone, cut stone or equal. Avoid excessively variegated stone color.

- Wood Siding - Stained in earth tone colors if cedar; painted in neutral colors if pine or smooth cedar. Horizontal application only.
- Stucco - Only concrete masonry based stucco is permitted.
- Cedar Shingles/Shakes - No artificial substitutions permitted unless pre-approved.
- Wood Windows - Stained or painted. Vinyl and/or aluminum clad windows and sliding doors acceptable as long as the color and finish are consistent with the house. No plain aluminum is allowed.
- Roof Materials - The color of roofing throughout the community shall be consistent. Architectural grade asphalt or fiberglass shingles are to be used. Acceptable shingles are Elk-Prestique II, Certainteed-Horizon; and Georgia-Pacific Summit or equal. Natural roofing materials such as slate, tile or shake are acceptable. Flat asphalt or fiberglass shingles are not permitted. Builders may submit alternative materials or colors for pre-approval.
- Exterior Colors - The following exterior colors equal to Behr Premium Plus Exterior Color Combinations, have been pre-approved, any other color must be submitted for approval.

Ultra Pure White 4050, Dreamworld PEC-9, Creamer PEC-34, Planca PEC-23, Charleston Belle PEC-32, Burlap PEC-42, Burgundy Mist PEC-12, Oriental Ivory PEC-48, Seagreen PEC-5, Dusk PEC-28, Garden Topiary PEC-45, Wagon Trail PEC-57 and Minuteman PEC-1

HVAC Equipment - No rooftop or window HVAC equipment is permissible. Condensers or other external HVAC equipment located on the side of the house must be screened from view with mature shrubs, opaque wood or masonry screens or other compatible building materials.

Accessory Structures - All accessory structures must be approved. The only accessory structures that may be allowed are greenhouses, gazebos, trellis shade structures, detached garages, in-ground pools and cabanas. Other accessory structures will be considered on an individual basis.

Aluminum screen rooms, structures incorporating some type of corrugated roofing materials, and storage sheds will not be allowed. External TV antennae and/or satellite dishes over 24" in diameter are not permitted. Any satellite dish must not be visible from any road.

Accessory outdoor equipment such as garbage cans and cooking grills should be kept enclosed at all times when stored. Acceptable screening methods should be used as necessary. Clotheslines are discouraged and must not be visible from a street.

Lighting

Exterior residential lighting for Poplar Ridge shall be designed to convey a warm, inviting atmosphere and aid in providing nighttime security. Care is to be taken in placing fixtures, selection of fixtures and types of light source.

General Responsibilities - Private lighting installed on individual lots shall not cause distraction, nuisance, or excessive spillover light to other lots. Decorative fixtures must be of high quality materials and workmanship and be in scale and style with the residence.

General Design Standards - Sodium vapor lights are prohibited. Incandescent, low voltage incandescent, metal halide, and quartz lights are acceptable.

Fixtures for security lights are to be located so as to be as unobtrusive as possible in order that they not be visible from the street or other lots. It is recommended that they be mounted on a structure. Pole-mounted security lights on exterior property lines are prohibited.

Colored lenses on low voltage lights, fluorescent, neon lighting, and colored light bulbs are only permitted as decorative lighting during the traditional Christmas holiday season.

Exterior illumination to accent street address numbers, architectural features such as columns, entries, chimneys and landscape features are allowed. Spotlights are to be concealed from direct view and directed to prohibit light spillover onto adjacent property.

Driveway and walk lighting should be soft and strategically placed within landscape areas.

Pools and Spas

Portable or permanent aboveground type pools are prohibited. In-ground swimming pools and small above-ground spas or hot tubs are permitted, provided above-ground spas incorporate skirting and landscaping, and provided all appurtenances (i.e.: specialty features, sliding boards, skimmer nets and other long-handled devices, pool chemicals, filters, pumps, heaters, plumbing, etc.) are screened from public view.

Maximum privacy screen height is not to exceed six (6) feet above existing grade. Fencing material must be with masonry wall (compatible with the residence), or other approved screening material. All state and local codes pertaining to swimming pools and spas must be met.

Furnishings and Materials

Flags - No flagpoles are to be located on residential lots visible from plain view. Flags may be displayed with flag staffs attached to residences. No more than two flags are to be exhibited on any residence at one time. Flag etiquette is to be observed. Advertising flags are strictly prohibited.

Fences and Walls - It is the intent of these guidelines to insure compatibility of fence/wall design throughout Poplar Ridge by providing direction to homeowners for a harmonious use of fence/wall details and materials. Approval of all fencing/walls is required.

A 2" x 4" wire mesh may be mounted on the inside of the rail fences to secure pets. Any wire must be vinyl coated either green or black. Fencing must be within established lot setbacks.

Masonry walls such as brick, stone, or stucco should be designed as an extension of the architectural design of the home. These wall designs should be simple yet possess enough detail to avoid the appearance of uninterrupted panels.

Fence or wall sections should run horizontally with change in grade being taken up at the column with regular steps in the fence or wall. Fence/wall height should be consistent. Minor variations (up to 4 inches over a 12-foot run) can be taken up gradually by evenly spreading the change in height between the pickets. A split rail or other rustic type of fence may be run on sloping terrain without regular steps in the fence.

Connecting walls will not be permitted unless the design and construction is identical. Connections must be made only at columns.

Fences built within side and rear setbacks must be setback from the property line a minimum distance equal to the height of the fence, but not within areas of utility easements. The removal of trees larger than 4" is prohibited where the fence is constructed in within the required setback.

Only masonry walls consistent with the architectural design of the house will be permitted in the front yard. All masonry walls must be set within the setback envelope. Gates may be installed and shall be designed to be compatible and complementary to the wall/fence design.

Should existing trees or other obstacles require adjustment to the fence location, the fence shall always be shifted in the direction of the private side.

Garden Ornament - Garden ornaments are not acceptable within public view. Ornaments deemed unacceptable will be required to be removed. In general, painted

wood or plastic ornaments are unacceptable; stone, cast metal or ceramic ornaments are preferred.

Decorations for holidays are acceptable but must not be in place more than 30 days prior to an event and must be removed 15 days after an event.

Planters of clay or wood are acceptable -- especially for displaying seasonal flowers. Natural clay, white, earth tone or pastel colors are acceptable; bright colored planters (blue, orange, etc.), especially of plastic, are not permitted. Garden structures such as trellises and arbors are permitted.

Mailboxes - Mailboxes will be provided by and installed by the Builder. Mailbox, posts and lettering are to be purchased from:

Walpole Woodworkers, Inc.
P.O. Box 151
Walpole, MA. 02081
(800)-343-6948 x 604
Phone: (508)-668-2800
Fax: (508)-668-7301
Sales@walpolewoodworkers.com

Mailbox: #276180 – The Strong Box - Black
Post: #261900 – The Madison with Flower Box – White
Lettering: Font - Baskerville
Color - White
Layout - #3 Both Lines (provide them with the correct street address and house number)

If you have any problem with your order ask for Mary Gaffey

The front of the mailbox post is to be set 32" from the edge of the asphalt. The top of the horizontal post that the mailbox sits on is to be 40" above original grade.

Landscape Treatment

The landscape treatment for Poplar Ridge is intended to be a unifying element in the design of the overall community, helping to create a strong sense of place. While landscape design throughout common areas will tend to be naturalistic (flowing lines and use of more indigenous plant material), the design for individual lots should be appropriate to the architectural style of the house and to the scale of the lot.

General Responsibilities - The initial landscaping of common open spaces, street corridors and rights of way, and public features is the responsibility of the Developer. Maintenance of these areas will be by the Poplar Ridge Homeowners' Association, Inc.

The builder/owner is responsible for landscaping and maintaining all areas on his property. The owner of the property is to adhere to these guidelines upon and after initial installation. All landscaping, sidewalks and driveways shall be completed prior to occupancy of the house or within 1 month of the final CO inspection by Buncombe County.

Minimum Tree Requirement – A minimum of (10) 8” diameter existing trees must be in the front set back area. If trees need to be planted to meet this requirement, then (3) new 2” caliper trees shall be provided for every one less than the required (10).

Minimum Shrub Requirement – A minimum of (20) 5-gallon shrubs and (40) 3-gallon shrubs shall be provided in mulched planting areas. A minimum of 75% of the required shrubs shall be in the front yard.

All planting beds are to be mulched with four inches of pine straw or bark mulch. The mulch bed shall be maintained full depth and with a crisp edge at all times. No gravel or rock of any size or color is permitted for use or substitution for shrubs, ground cover, mulch, or lawns.

Lawns or acceptable alternative ground cover must be installed and maintained in high quality. Sod installations are recommended. The area from the edge of the road to the ditch line shall be put back in sod so that the road shoulders may be mowed and flow together from one lot to another.

Dead plant material that was planted to satisfy the minimum landscape requirement must be replaced by the builder/owner immediately, as weather conditions permit.

Screening Requirement - All meters, air conditioning units, etc., are to be placed away from public view, preferably in rear or fenced side yards. Meters, air conditioners, etc., must be screened by structures or by plant material when in potential view of other structures or views from adjacent yards. Shrubs or vines should be planted in front of built screens.

Hedges may be used for screens if plants are mature enough and spaced closely enough to provide adequate screening. Screening with plants is to be accomplished with the initial installation, not assumed growth at maturity. Staggered spacing of shrubs for hedges makes a good screen.

Plant Bed Edges - Some types of plant bed edging are not in keeping with the overall landscape effect. Plant bed edging should be done in such a way as to fit in with Poplar Ridge’s overall visual quality. Brick, stone or metal edging is preferred, while railroad ties or lumber are not.

Utilities

Coordinating with appropriate utility companies, Builder is responsible for the installation and connection of all utilities' services to the house from the stub outs/connection points in the vicinity of lot lines. Right of ways are to be repaired and put back to their original condition immediately after the installation of any utility.

Builder is responsible for all applications, permits and fees associated with the house construction and provision of utilities services from the lot-line stub outs.

The Developer is responsible for providing all development infrastructure including roads and water. The Builder is responsible to coordinate and arrange for electrical power, telephone, and TV cable services to each lot.

NOTICE AND SUBMITTAL PROCEDURES FOR PLAN REVIEW

1. The Developer has established basic criteria for the development of Poplar Ridge in the Design and Development Guidelines. An important goal is the siting, design and construction of homes in an integrated, cohesive and quality fashion.
2. Builders will submit plans for review and approval prior to any work done on a lot.
3. Site Plan: Builder will submit a site plan to the Developer for each lot for review and approval, which includes the following:
 - A minimum scale of 1" = 20'
 - Lot lines, setback and easement lines
 - House, garage, terraces, patio, sidewalks, and driveway locations
 - Indicate the material of all sidewalks and driveways
 - Erosion and sediment runoff controls during construction
 - Special grading/landscape features and screening (walls, fencing, shrubbery)
 - Location & Design details of landscaping walls and fences (if any)
 - Size and location of all drainage culverts

1. Architectural Plans: Together with the site plan, Builder will submit architectural/construction plans showing:
 - A minimum scale of 1/8" = 1'
 - Floor plans for each level, with square footage of all levels noted.
 - Exterior elevations of all sides
 - All exposed exterior finish materials noted on elevations
 - The pitch of all roofs shall be noted

Samples and Specifications of certain materials may be requested for review and approval.

4. All submittals shall be signed and dated by the Builder.
5. Written approval or disapproval will be made within 30 days subject to Declaration of Covenants, Conditions and Restrictions.
6. The \$300 fee for the submittal and review process and shall be submitted with the review submittal. Fees for additional submittals or variance requests will be billed on a time-and-materials basis.
7. Any elements of the design and or construction of the house that has not been approved in writing by the Developer will be required to be corrected if it does not comply with these design guidelines.

8. Developer in its sole and absolute discretion shall have the right to resolve any dispute developing from these guidelines, and clarify any interpretation thereof.

NOTICE AND SUBMITTAL PROCEDURES FOR REQUESTING VARIANCES

1. The written request for a variance shall include all maps, drawings, or other information required.
2. The request shall be signed and dated by the Builder or Owner.
3. Written approval or disapproval will be made within 30 days subject to Declaration of Covenants, Conditions and Restrictions.
4. All legal and professional fees will be charged to review and render a decision on a variance.

CONSTRUCTION RULES FOR OWNERS AND CONTRACTORS AT POPLAR RIDGE

1. Applicability: These rules shall apply to all lot owners and builders, and any reference herein to an owner shall also apply to the owner's builder and subcontractors. While at Poplar Ridge, all owners and builders shall abide by these rules and such other rules as the Board may establish from time to time.

2. Construction Escrow Deposit: A construction escrow deposit of One Thousand Dollars (\$1,000.00) is required as of the date the final plans are submitted. The maximum deposit required from any one builder in the community will be Five Thousand Dollars (\$5,000.00). The deposit should be by check payable to Poplar Ridge Homeowners' Association, Inc. The developer has the right to waive this deposit requirement.

The Construction Escrow Deposit shall be deposited in the Poplar Ridge Homeowners' Association, Inc., account. The Construction Escrow Deposit may thereafter be used for any of the following purposes:

- a) To pay for the cost to repair any damage to the roadways or common areas caused by an owner, owner's builder, or subcontractors not repaired by the responsible owner, owner's builder, or subcontractors in a timely fashion.
- b) To complete any landscaping shown on the final plans for a lot which has not been completed within the required time.
- c) To pay for the cost of completing any improvements so that they are in accordance with the approved final plans, if owner fails to complete such improvements.
- d) To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by owner in violation of these guidelines.
- e) To reimburse Poplar Ridge Homeowners' Association, Inc., for its cost of cleaning up any significant amount of dirt, concrete, etc., left by the owner on any street if the same was not immediately removed by the owner.
- f) To pay for the cost of enforcing any other obligations of Poplar Ridge Homeowners' Association, Inc., under these guidelines.

The Developer will give an owner notice that it intends to use the owner's Construction Escrow Deposit for a particular purpose. The owner shall have five (5) days from the date of the notice to perform the referenced work. If the owner, upon receipt of the notice, fails to perform the work, the Developer shall thereafter be free to perform it and

to use the Construction Escrow Deposit to pay for the cost thereof. Upon the completion of improvements and when either the responsible owner or the Developer has completed all work, the Poplar Ridge Homeowners' Association, Inc., shall return to the Builder any unused portion of the Builder's Construction Escrow Deposit.

In the event the Developer expends sums on the owner's behalf as provided above in excess of the owner's Construction Escrow Deposit, the owner shall pay the excess to the Poplar Ridge Homeowners' Association, Inc., within twenty (20) days of notice thereof.

The Construction Escrow Deposit will be refunded to the Builder once the home is completed and the site is permanently stabilized to prevent any form of erosion off the site.

3. Construction Hours and Noise: All construction activities must be conducted from 7:30 a.m. until 5:00 p.m. Monday through Friday, and 8:30 to 4:00 on Saturday. No work is to be done on Sundays or Holidays. Any construction activities conducted or access to Poplar Ridge after these hours must be scheduled with the Developer twenty-four (24) hours in advance. No loud radios or distracting noises will be permitted during construction.

4. Rubbish and Debris: In order to maintain a neat and orderly appearance at all times throughout Poplar Ridge, the following rubbish and debris rules must be strictly followed:

- a) Domestic Refuse - At least one (1) lidded trash container must be located at all times inside each residence under construction. All domestic refuse, such as food scraps and packaging, cups, plates, napkins and similar items which at any time exist in the residence or on the lot, must be placed in the trash container. The trash container shall be emptied regularly and its contents properly disposed of off the lot and outside Poplar Ridge.
- b) Interior Construction Debris - All parties are strongly encouraged to frequently clean up and remove rubbish and construction debris located within the walls of a residence.
- c) Exterior Construction Debris - With regard to all construction debris located on a lot outside the walls of a residence, the following rules shall apply:
 - i) By the end of each day on which work occurs on the lot, all lightweight, blowable construction debris, such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a steel dumpster unit provided by a trash disposal company and located on the lot.

- ii) By the end of the day on each Friday, all non-blowable construction debris, such as wood scraps, shingles, brick bands, drywall, bricks and masonry blocks, must be gathered and placed in the steel dumpster.
- iii) The steel dumpster must be emptied and the debris hauled away on an as-needed basis and before it is filled to overflowing.
- iv) The burning or burial of construction debris or vegetation is prohibited.

5. Excess Natural Materials: Excess rock, topsoil and similar materials must be offered first to the Developer prior to their removal from Poplar Ridge. No such materials may be removed from Poplar Ridge without the prior approval of the Developer.

6. Silt Fences: Silt fences and/or other devices for sedimentation control shall be installed where necessary to prevent silt from getting off property or into existing ditch lines. If sediment gets off site or into a road ditch, it is to be promptly removed and the affected area restored to its original condition or the Developer at the expense of the owner and/or builder will correct it.

7. Trailers: No construction office trailers may be placed, erected or allowed to remain on any lot or in any other area in Poplar Ridge, except as approved in writing by the Developer.

8. Construction Access: During the time a residence or other improvements are being built, all construction access shall be confined to the approved driveway for the lot unless the committee approves an alternative access way.

9. Gravel Drives: Prior to commencement of construction on any lot, the owner or contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base from the paved street to the house under construction. This is to be replaced as needed during construction to prevent mud from getting onto the road.

10. Parking: All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles may be left parked on any streets within Poplar Ridge overnight. Construction vehicles may be left on a lot overnight only if additional use of the vehicle will be made within the following three (3) days.

11. Miscellaneous Practices: The following practices are prohibited at Poplar Ridge:

- a) Changing oil of any vehicle or equipment.
- b) Allowing concrete suppliers and contractors to clean their equipment other than at locations, if any, designated for that purpose by the Developer.

- c) Carrying and/or discharging any type of firearms.
- d) Careless disposition of cigarettes and other flammable material.

12. Pets: Builder or contractor personnel may not bring pets into Poplar Ridge.

13. Common Areas: Except with the prior written permission of the committee, Builder and contractor personnel are not allowed in the common areas and no construction access will be allowed across the common areas.

14. Accidents: The Developer shall be notified immediately of any accidents, injuries or other emergency within one hour of the occurrence.

15. Portable Chemical Toilets: An enclosed and regularly serviced portable chemical toilet must be provided at each residence under construction, **in as inconspicuous a location as possible.**

16. Speed Limits: The established speed limit within Poplar Ridge is twenty-five miles per hour (25 mph) for all vehicles.

17. Property Damage: Any damage to streets, road shoulders, drainage inlets, streetlights, street markers, mailboxes, walls, fences, etc., must be repaired by the owner and/or Builder to its original condition. If any telephone, cable TV, electrical, water or other utility lines are damaged, the party causing such damage shall report the matter within thirty (30) minutes to the Developer and the respective utility company, and shall bear any cost incurred in connection with repairing such damage.

18. Failure to Abide: Failure to abide by any of the above rules may result in the loss of a contractor's privilege to build in Poplar Ridge on a temporary or permanent basis.

19. Signage: The only signage that is allowed during construction is that of the General Contractor.