



Architectural and Construction Guidelines

Effective as of April 19, 2003
Updated 10/15/09

Heaven's Landing

1.0 Architectural Guidelines

1.1 Introduction

Heaven's Landing is an elegant mountain neighborhood offering traditional homes and an amenity package designed to promote an active lifestyle in a private setting.

The enclosed design guidelines are intended to assure the protection of the Heaven's Landing concept, neighborhood lifestyle and individual property values through the establishment of standards for design review. The Master Developer, Builders and Property Owners at Heaven's Landing are bound by guidelines that enable construction and development that will preserve and protect the natural beauty and serenity of Heaven's Landing. The Master Developer will go to great lengths to assure that Heaven's Landing's common areas will not be compromised by construction activity. In fact, the Architectural Review Board (ARB) shall scrutinize any and all plans for building or construction activity as to architecture, elevation, exterior colors, exterior finish treatments and other details prior to commencement of construction.

1.2 Purpose of the Guidelines

These Architectural Guidelines will assist all Property Owners in the planning and construction of their homes. The Architectural Guidelines are intended to assure the Property owners the quality control they would expect to insure a mountain elegant architectural character for the community and to provide a uniform review process for approval by the ARB.

Within these Architectural Guidelines, you will find an elaboration on the recommendations and performance levels established by the ARB. You will also find the appropriate sample forms that you must complete, submit and have returned marked approved for your planned construction activity.

Architectural variation is encouraged within the bounds of appropriateness, but the ARB has set basic standards to promote harmonious community aesthetics and environmental compatibility for Heaven's Landing. The ARB, as per the "CCR's," has the sole right in the interest of Heaven's Landing to change or modify the content or add to the content of these Design Guidelines without advance notice. Revised Architectural Guidelines may not be consistent with those contained herein. Therefore, each applicant, Builder of Property Owner shall be responsible for verification of and compliance with all current Architectural Guidelines.

Documentation of plan approval from the ARB should be provided to the Property Owner by the Approved Builder prior to the time of closing of the sale from the Builder to the Property Owner. The Property Owner shall be responsible for any changes required by the ARB after the occupancy of the home.

2.0 Architectural Review Procedures

2.1 New Construction Review

The purpose of reviewing construction plans for all new homes in Heaven's Landing is to ensure the exterior is consistent with surrounding properties and contributes to the overall mountain elegant theme of Heaven's Landing.

All applicants wishing to build within Heaven's Landing shall follow the enclosed review procedures for new construction. The applicant will be required to follow the following procedures:

a) Architectural Review Fee

A review fee in an amount of \$200 per individual floor plan shall be charged by the ARB (check made payable to Heaven's Landing, LLC).

b) Architectural Drawings

Applicant must submit architectural drawings prior to commencement of new home construction or purchase of a building permit. The applicant must submit a copy of the attached Design Review Application along with two (2) sets of new home drawings and architectural specifications for ARB review. All Builders must have their plans approved prior to commencement of construction. The ARB shall respond to each submittal within thirty days from the receipt of the fully completed application and new home construction plans. If the ARB does not respond within thirty (30) days the plans shall be deemed approved as submitted.

All drawings for new construction shall meet the following submission requirements of the ARB.

Building plan shall be drawn at a scale of ¼ inch equals 1 foot or larger and shall show all 4 exterior elevations. The front elevation shall be drawn at ¼ inch scale and the other three elevations at 1/8 scale including all basement openings, deck locations and exterior mechanical locations. Plans shall include fully dimensioned floor plans. Although the ARB does not review floor plans or interior

specifications, these will allow for the review of elevation and exterior details.

All Heaven's Landing Builders shall be required to submit individual site plans at a scale of 1 inch equals 20 feet including all of the following items:

1. Footprint of home and garage on the lot.
2. Finish floor elevation.
3. Clearing limits.
4. All building and setback lines.
5. Existing and proposed grades.
6. Location of all driveways, walks, patios, decks, walls or easements that may impact the home.

c) Landscape Plan Approval

In addition to submittal of new home plans, each applicant must submit a typical landscape plan, a written list of typical types and quantities of landscape materials simultaneous with submittal of their new home plans to the ARB. All new homes shall conform to the landscape guidelines contained herein. See paragraphs 3.2 6-8.

d) Deviations From Approved Plans

Any deviation from approved new construction plans must be submitted to the ARB for review in the same manner as the procedures and submission requirements outlined above. The Builder is encouraged to submit changes at the earliest possible time to avoid costly delays.

e) Construction Escrow Deposit

The Builder is responsible for submitting a Construction Deposit as set by the ARB. The deposit as of the effective date of these guidelines is two thousand five hundred dollars (\$2500). The deposit should be by check made payable to Heaven's Landing, LLC. The deposit will be held and used for the purpose and uses set forth in **Paragraph 5** of these guidelines.

e) Zoning and Other Governmental Regulations

The Builder is responsible to comply with the procedures and guidelines outlined herein along with all zoning and other applicable governmental laws, rules and regulations. Rabun County and its planning department have jurisdiction over the community at Heaven's

Landing. Approvals by the ARB pursuant these guidelines shall in no event be construed as representations of warranties that the Property Owner's plans or improvements comply with any such governmental requirements.

The Architectural Review Fee, Architectural Drawings, Landscape Plan, Construction Escrow Deposit, a complete copy of a fully executed contract construction of the improvements between the Property Owner and an Approved Builder and all other materials necessary for all the ARB to review Building Plans and Specifications shall be sent or delivered to:

Heaven's Landing
1271 Little Creek Road
Clayton, GA 30525
Attention: Architectural Review Board

At such time as the Building Plans are approved by the ARB, one (1) complete set of the approved plans shall be retained by the ARB and the other complete set shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Property Owner along with a written statement with design comments. Prior to commencement of any clearing or construction of the Improvements, the Property Owner of the Property Owner's representative shall state the lot for review and approval by the ARB. **NO CLEARING OR CONSTRUCTION ACTIVITIES MAY COMMENCE PRIOR TO THE ISSUANCE OR THE SITE INSPECTION APPROVAL BY THE ARB.** The ARB may delegate its site inspection functions under this section to the land development manager for Heaven's Landing.

2.2 Architectural Review Procedures-Remodeling and Additions

A Property Owner desiring to remodel existing improvements and/or construct additions to existing improvements shall follow these guidelines as if such remodeling or additions were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscaping and aesthetics will apply to remodeling and additions to the same extent as new construction. Possible future improvements or additions that will be of particular concern to the ARB are skylights and solar collectors, recreational features, lighting, antennas and satellite television equipment. ARB approval is required for remodeling and additions just as it is for new construction. Renovation and addition plans must be submitted to the ARB for approval in accordance with section 2.1 of these guidelines and accompanied by an Additions/Renovations Fee of \$100.00.

3.0 Architectural - General

The following guidelines address the exterior building and individual site conditions. The ARB will employ these guidelines in reviewing applications. These brief guidelines are not intended to be all-inclusive; however, proposed new construction not covered by these guidelines will also be reviewed by the ARB.

3.1 Architectural Guidelines

1. No dwelling house shall be constructed having less than 2000 square feet of enclosed, finished and heated space, exclusive of porches, garages, and airplane and automobile shelters. A minimum of 1500 square feet is required for the main floor, and a minimum of 500 square feet is required for any secondary level.
2. All exposed concrete block or poured concrete foundations and site retaining walls must be covered with one of the following approved materials: Approved brick, stone, stucco or treated wood, which complements the individual house materials in an architecturally compatible manor.
3. Primary building materials shall be approved brick, stone, stucco, cedar shakes or hardboard wood siding with reflects the mountain elegant character of Heaven's Landing. As a minimum, the primary colors for siding, stucco, brick, trim, gutters, garage doors or any other exterior surface must complement the mountain elegant architectural theme. Natural weathering of exterior wood materials is not permitted. All stucco or synthetic stucco must be painted or integrally colored.
4. All roofing materials shall consist of dimensional type asphalt shingles in colors or textures that complement the mountain elegant architectural theme and individual home colors. Other roofing materials such as metal roofing, concrete tile, slate and cedar shakes may also be allowed but shall require the written approval of the ARB prior to installation.
5. Roofs and roof pitches shall be in proportion to the overall size and shape of the house. Except as specifically approved otherwise in writing by the ARB, the minimum roof slope for the main house structure shall be six (6) vertical to twelve (12) horizontal. All bay window roofs, low-pitched porch roofs and exposed flashing must be finished metal or copper.
6. Downspouts and gutters shall be used at all eave lines unless deemed inappropriate. All exterior down pipes (except copper down pipes) shall be painted to blend with the color of the exterior walls or trim of the residence.
7. All sheet metal and PVC work such as roof caps, flashing, plumbing vents and chimney caps or any other roof protrusion should be painted flat black or painted to match roof colors. Roof stacks and plumbing vents must be placed on the rear slopes of roofs if at all possible. No roof stacks or plumbing vents shall be allowed on the front elevation of the roof.

8. The main dwelling entrance shall be located in a position of prominence that is reflected in the design of the façade. The main entry shall be sheltered on the exterior and shall include either (a) French doors with or without sidelights or (b) a single door with sidelights. The main entry shall contain more architectural detail than other openings and entries but all openings and entries shall be consistent in styling.
9. Consistency of detailing on all elevations shall be maintained. Windows and doors shall reflect restraint in the variety of types, styles and sizes. All openings shall be accented with the use of shutters, flat or arched lintels, projecting sills or relief surrounds.
10. Wood windows are required; however, vinyl or aluminum clad wood windows will be considered, provided the style and profile are similar to wood windows. Window grids are recommended for all front elevations. Metal windows, doors, louvers, window and door screens, and porch screen enclosures may be allowed but must be anodized bronze or factory finished color which are compatible with the individual home's primary and trim colors.
11. Chimneys framed to receive pre-fabricated fireplaces and flues must not be cantilevered on the front or side of any home.
12. All homes must have an operating garage sufficient in size to park two mid-sized vehicles. All garage doors must be operational. Garage doors must be paneled and/or detailed to provide appropriate scale. Side entry garage doors are encouraged for all home sites that contain more than 20,000 square feet of land.
13. No glass may be mirrored or coated with a reflective coating of any type.

3.2 Site Guidelines

1. Walls and fences should be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the site. The location, materials, size and design of all fences and walls must be approved in advance by the ARB. Walls fences in front yards are prohibited. Fences must start at the rear side of the home unless approved in writing by the ARB. Fences in side yards on corner lots must not protrude past the side of the home closest to the roadway.
2. Compressors for central air conditioning units must be sited in a location that will not cause a nuisance to adjacent Property Owners or affect the use or active areas of the home site. Compressors must be screened by landscape or other architectural treatment. The ARB may waive this requirement on a case-by-case basis.
3. Play equipment must be located where it will have a minimum visual impact on adjacent properties and streets. All play equipment should be located in the back yard. Metal play equipment should be painted a dark earth tone to blend into the surrounding environment. All play equipment must be approved in writing prior to installation. Freestanding

playhouses, tree houses and freestanding storage buildings are not allowed.

4. Any exterior tubs or spas must be screened from adjacent properties and streets. All pumps, filters, equipment, etc. for spas must be sited where it will not cause a nuisance to neighbors and must be screened from view.
5. All exterior lighting should be low level, non-glare type located to cause minimum visual impact on adjacent properties and streets.
6. All landscaping should relate to the existing terrain and natural features of the home site. The amount of landscaping required will vary from site to site, but as a general guideline the Property Owner should expect to invest 1.5% of the home price in landscape treatments.
7. Retaining walls will generally be permitted where their omission would result in excessive slopes, erosion, excessive maintenance or extensive clearing. Retaining walls visible from streets or adjoining home sites must be constructed of, or faced with, material of a type approved by the ARB. All such walls must be designed to be structurally sound and properly drained.
8. All new home construction including grading, landscaping, or retaining walls shall be performed in an effort to prevent water from flowing across one lot onto another lot. All drainage should flow to the front or rear property lines or to an existing drainage structure. Sheet flow across one lot to another lot is prohibited. Builder shall be responsible for establishing and maintaining proper grades on lots prior to closing homes with residents.
9. Doghouse exterior colors and materials should relate to the exterior color of the house. These structures must be screened from surrounding roads and discreetly located so they will not cause a nuisance to neighbors. Clotheslines and/or fenced dog runs are not allowed unless approved in writing by the ARB.
10. All mailboxes must conform to the approved Heaven's Landing design. No additional information other than the address numbers is allowed on a standard approved mailbox. Mailboxes and mailbox posts shall be obtained from Heaven's Landing's Master Developer. It shall be the Property Owner's responsibility to have the mailbox installed in a location approved by the ARB.
11. Landscape benches, sculptures, fountains or other yard accessory structures including bird baths, if visible from any adjacent lot should be tasteful and blend in with the natural environment consistent with Heaven's Landing's design standards. Any structure must be approved in writing by the ARB. All deck designs and retaining walls must be designed such that they will not have a negative impact on adjacent property owners.
12. No above ground pools shall be allowed with the exception of small wading pools less than 18" in height and 8 feet in diameter that are of a temporary nature.

13. Holiday displays shall be permitted providing they do not create a nuisance for adjacent Property Owners. All holiday displays, including lighting displays, should not attract significant increased traffic flow.
14. The placement of driveways has a great effect on the aesthetics of the overall street scene. Therefore, the ARB reserves the right to establish particular areas of a home site in which the driveway must be located. Driveways should be constructed of a lightly brushed concrete. Other construction materials may be allowed with the approval of the ARB. However, all driveway aprons must be constructed of a lightly brushed concrete so as to provide a uniform appearance to the streetscape.
15. The Master Developer may install driveways designed to provide access to several home sites. All home sites served thereby shall share the cost of all common driveway maintenance equally.
16. The location and design of each residence and all other building improvements should be tailored to the specific features of each home site. The term “building improvements” means all improvements other than landscaping and trees; provided however that the “building improvements” shall include hedges and other mass plantings. All building improvements should be sited so as to minimize disruption to the existing natural setting, including mature trees (over 6” in diameter), drainage ways and the “view corridor” to and from each Property Owner’s home site. Each Property Owner must recognize and understand that the views and view corridors to and from such Property Owner’s home site common areas and other areas within Heaven’s Landing are in all respects subject to the rights of other Property Owners and the ARB. All residences and other building improvements should be sited so as not to obstruct or otherwise diminish the views or view corridors enjoyed by other Property Owners. The ARB in its sole and absolute discretion shall determine whether a Property Owner’s plan for construction will impact another Property Owner’s views or view corridors when reviewing and approving proposed building improvements and “Primary View.” The ARB shall use the Primary View concept as a guide, but not as an absolute rule, when reviewing and approving proposed building improvements.
17. Building envelopes shall be determined in accordance with the setbacks as provided by Rabun County in the approved zoning for Heaven’s Landing. The ARB may establish a more restrictive building envelope than the envelope or setback lines shown on the recorded plat or as otherwise required by the applicable zoning authority. The building envelope approved by the ARB for the property will be available on an unrecorded map for the Property Owner’s review.

3.3 Tree Preservation

Preserving trees and natural areas within Heaven’s Landing must be reasonably assured. Therefore, all Builders and Property Owners are required to use best efforts in preserving trees and natural areas. All tree save and

natural areas shall be kept free of debris, rocks, trash etc. Property Owners shall remove fallen, dead or dangerous trees. **Please be advised that no trees, living or dead may be removed from land owned by the Federal Government without the express written consent of the U.S. Army Corps of Engineers.**

3.4 **Special Situation Guidelines**

The following Special Situation Guidelines provide information and guidance to properly improve your property. These specific items are inherently approved if they are installed according to the guidelines and require no application, submittal or review by the ARB. Failure to install the improvements according to the guidelines will lead to action by the ARB to request compliance. Failure to comply within thirty (30) days of notice by the ARB of non-compliance shall permit the ARB to take whatever action is necessary to bring the special situation into compliance with no financial remuneration to the Property Owner. The ARB shall have full and final authority to determine if any special situation meets these guidelines.

- a. Basketball goals must be mounted on black poles and have standard white or clear backboards. Whenever possible, they should be located in side or rear yards. All goals should be oriented for minimum visual impact from the street. If they are visible from the street, they should be landscaped to minimize the visual impact from the street.
- b. Front doors and entry area decorations should be screened from view and kept behind shrubs. Any tools or items stored under a back deck or porch must also be screened from view by planting shrubs around the deck. Preferably these items should be stored inside either the garage or basement.
- c. Outdoor storage of garden tools and hoses should be screened from view and kept behind shrubs. Any tools or items stored under a back deck or porch must also be screened from view by planting shrubs around the deck. Preferably these items should be stored inside either the garage or basement.
- d. Woodpiles should be located in the rear yard. Tarps covering a woodpile are allowed only if the woodpile is completely screened from view. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.
- e. Birdbaths and birdhouses should be tasteful and keeping with the style and colors of the house. They should be located to blend naturally into the setting.
- f. All refuse or recycling containers, cans or boxes must be stored in an area that is screened from view.

3.5 Signage and Graphics

No signs may be placed on any home site except for signs provided by the Master Developer or Heaven's Landing or approved of in writing by the ARB. The only other signs or documentation that may be posted at a residence or on a home site during construction are grading and building permits. Business signs or other forms of advertisement not provided by the Master Developer or Heaven's Landing are not permitted. Grading and building permits must be attached to a post in a manner protected from the elements. In no event may building permits or any other signage or documentation be attached to trees. Through an organized system of signage we will be successful in presenting Heaven's Landing as a quality neighborhood.

Design project level graphic identification, billboards and entry features, neighborhood entry wall graphics and temporary community directional signs will be the responsibility of the Master developer.

3.6 Silt Control and Management

Builders should use best efforts to insure continuous silt control fencing is in place, and a gravel pad is in place anytime during construction of any home within Heaven's Landing. The ARB reserves the right to install silt fencing or gravel if the Builder does not comply within 24 hours of written notice that its silt control is inadequate. Builder shall reimburse the ARB for such services within fourteen (14) days.

4.0 Approved Builders

Only builders approved by Heaven's Landing, LLC may serve as the general contractor/builder for the construction of improvements on any home site. Upon request, the ARB will make available to any Property Owner a list of the then current approved builders. To qualify as an approved builder, a builder must satisfy certain criteria and requirements established by the ARB and the Master Developer of Heaven's Landing. However, the criteria and requirements established by the ARB and the Master Developer for a builder to qualify as an approved builder are solely for the protection and benefit of the ARB and the Master Developer and are not intended to, and shall not be construed to; benefit any Property Owner or any other party whatsoever. The ARB and the Master Developer make no representation, express or implied, to any Property Owner or any other party whatsoever with regard to the approved builders, including, without limitation, the existence, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the approved builders from time to time, the solvency or the financial status of the approved builders from time to time, the nature and the amount of any bond that may be maintained by the approved builders from time to time, the performance (or the ability to perform) by the approved

builders of their contractual obligations (including any contractual obligations of any of the approved builders in favor of any Property owner or any other party whatsoever), the compliance by the approved builders with building codes and other requirements, rules, laws and ordinances of federal, state and local governmental or quasi-governmental bodies and agencies relating to the construction of homes and other activities engaged by the approved builders from time to time, and the compliance by the governmental and quasi-governmental bodies and agencies from time to time. Furthermore, neither the ARB nor the Master Developer, nor the officers, directors, members, employees, agents of affiliates of either of them, shall have any responsibility whatsoever for any sum that any Property Owner or any other party may deposit with an approved builder, including, without limitation any earnest money or any other deposit that any Property Owner may deliver to an approved builder. The selection of an approved builder by a Property Owner shall be conclusive evidence that such owner is independently satisfied with regard to any and all concerns such Property Owner may have about the approved builder's qualifications. Property Owner's shall not rely on the advice or representation of the ARB, the Master Developer or the officers, directors, members, employees, agents or affiliates of either of them in that regard.

5.0 Purpose and Use of Construction Deposit

The construction deposit, if any, required in paragraph 2.1 above, shall be deposited by the ARB in an escrow account established by the ARB. The construction deposit may thereafter be used by the ARB for any of the following purposes:

- a) To pay for the cost to repair any damaged to roadways or common areas caused by a Property Owner or a Property Owner's Builder or subcontractors not repaired by the responsible Property Owner, such Property Owner's Builder or subcontractors
- b) To reimburse the Master Developer for it's cost of cleaning up any significant amount of dirt, cement, etc. left by the Property Owner, the Property Owner's Builder or subcontractors on any street if the Property Owner does not immediately remove the same.
- c) To pay the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by Property Owner in violation of these guidelines.
- d) To pay for the cost and installation of silt fencing or gravel which may be required to control silt and erosion resulting from construction activity on the Property Owner's home site.
- e) To pay for the repair of any telephone, cable TV, electrical, gas, water or other utility lines cut due to construction activity on the Property Owner's home site.

Except for reimbursements noted above, the ARB shall give a Property Owner proper notice that it intends to use the Property Owner's construction deposit for a particular purpose. The Property Owner shall thereafter have five (5) days from the notice to repair the damage or otherwise perform the work for which the ARB intended to use the Property Owners construction deposit, or, if the work cannot be completed in that time, to begin work and thereafter diligently pursue it to completion. If the Property Owner, upon receipt of the notice, shall fail to perform the work, then the ARB shall thereafter be free to perform it and to use the Property Owner's construction deposit to pay for the cost thereof. Upon the completion of the improvements and when either the Property Owner or the ARB has completed all work, the ARB shall return to the Property Owner any unused portion of the Property Owner's construction deposit.

In the event that the ARB expends sums on the Property Owner's behalf as provided above in excess of the Property Owner's construction deposit, the Property Owner shall pay the excess to the ARB within twenty (20) days notice thereof.

In the event that no construction deposit has been required by the ARB, the ARB shall have the authority to expend money for the purpose set forth in this paragraph five and charge the Property Owner for reimbursement thereof.

Any and all interest earned on the construction deposit shall be credited to and retained by the ARB for its sole use and benefit.

6.0 Construction Rules – General

Attached as Exhibit D to these guidelines are the Construction Rules for all Property Owners and Contractors at Heaven's Landing. The ARB reserves the right to amend such rules from time to time in its sole discretion. All construction activity at Heaven's Landing must proceed in accordance with the rules.

Exhibit A

Application for Architectural Approval

Heaven's Landing

Submit this form with two (2) copies of preliminary site and house plans. One copy will be kept in the ARB's files and one will be returned to you.

Name of Owner: _____

Address: _____

Telephone: Work: _____ Home: _____

1. Preliminary Site Plan (1" = 20')

Location (with dimensions and materials) should be illustrated for each of the following site Improvements on the Building Envelope Lot Plan:

- A. Grading plan with 2' contour topography
- B. House and Other Improvements (garage, decks, patios, etc.) within Building Envelope.
- C. Front, rear, and side yard setbacks dimensioned
- D. Driveway, sidewalks, and utility easements from recorded plat.
- E. Fences and walls (including retaining walls_

Approved: _____ Date: _____

2. Preliminary House Plans (1/4" = 1')

Heated finished square footage:

First Floor _____

Second Floor _____

Third Floor _____

Basement _____

Total: _____

Approved: _____ Date: _____

3. Preliminary House Elevations (1/4" = 1' and 1/8" = 1')

Front, Side, Rear elevations show Architectural Exterior and Layout appropriateness.

Approved _____ Date: _____

4. Exterior Specifications: Submit samples with manufacturer specifications

Material	Color
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Foundation: _____

Wall: _____

Trim: _____

Front Door: _____

Shutter: _____

Garage Door: _____

Roof: _____

Window: _____

Other: _____

Approved: _____ Date: _____

5. ARB Required and Suggested Modifications

Required: See Attached

Suggested: See Attached

6. Preliminary Approval

_____ Granted as noted above: however construction start is subject to Approval to Commence Work

_____ Granted with Approval to Commence Work

_____ Denied

Reviewed and Approved by:

Advisory Architectural Professional: _____

Date: _____

Heaven's Landing, LLC: _____

Date: _____

APPROVAL OF PLANS DOES NOT MEAN CONSTRUCTION MAY START.

7. APPROVAL TO COMMENCE WORK:

1. _____ Site visit to review staking.
2. _____ Receipt of contract for construction between owner and Approved Builder.

In accordance with the receipt of the above items as required in the Architectural and Construction Guidelines, you are approved to commence construction on this lot.

Approved ARB Member: _____ Date: _____

Schedule B

Application for Landscape Plans
And Specifications Approval

Heaven's Landing

REQUIRED INFORMATION:

Submission Date _____
 Home site Number _____
 Home site Owner _____
 Landscape Contractor _____ Phone: _____
 Landscape Architect _____ Phone: _____
 Projected Construction Initiation Date _____
 Projected Constructed Completion Date _____

NOTE: All pertinent information as outlined in the Architectural and Construction Guidelines shall be included in the plan submission prior to plan review consideration.

This Landscape Plan Submitted For: _____ Preliminary Review
 _____ Final Review

The submitting party shall fill in all information above this line.

ARB PLAN REVIEW:

Review Date: _____ Reviewed by: _____

The following action was taken subsequent to plan review.

_____ Approved with the condition that all plants are installed as represented on the approved plan without additions, deletions, or size modifications, unless approved in writing by the ARB.

_____ Contingent Approval. The plan as submitted does not meet the requirements of the ARB; however, approval will be given if the attached required changes are made in full.

_____ Disapproved (revise and resubmit plans) per the attached rationale.

Exhibit D

Construction Rules

1) Applicability

These rules shall apply to all Property Owners and Builders and any reference herein to a Property Owner shall also apply to the Property Owner's builder and subcontractors. While at Heaven's Landing, all Property Owners shall abide by these rules and such other rules as the ARB may establish from time to time.

2) Construction Hours and Noise

All construction activities must be conducted and all deliveries must be made from 7:00 AM to 8:00 PM Monday through Friday and from 10:00 AM to 5:00 PM on Saturdays and Sundays; provided, however, no construction activities and no deliveries shall be made on July 4, Labor Day, Thanksgiving Day, Christmas Day or New Year's Day. Any construction activities conducted or access to Heaven's Landing after these hours must be scheduled with the ARB twenty-four (24) hours in advance. No loud radios or distracting noises will be permitted during construction.

3) Rubbish and Debris

In order to maintain a neat and orderly appearance at all times throughout Heaven's Landing, the following rubbish and debris rules must be strictly followed:

- a) Domestic Refuse. At least one 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, etc. which exist at anytime on the home site or in the residence must be placed in this trash container. The trash container must be emptied regularly and its contents properly disposed of off the home site and outside Heaven's Landing.
- 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 home site outside the walls of a residence, the following rules will apply:
 - (i) By the end of each day on which work occurs on the home site, 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 refuse company and located on the home site.

- (ii) By the end of the day 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 and overflowing.

d) No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4) Excess Natural Materials.

Excess plant matter, rock, topsoil and similar materials must be offered first to the Master Developer prior to their removal from Heaven's Landing. No such materials may be removed from Heaven's Landing without the prior approval of the Master Developer.

5) Silt Fences.

Silt fences and other devices for sedimentation control shall be installed where necessary or as directed by the ARB.

6) Materials Storage.

No construction materials, construction equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent home sites or otherwise than in locations approved by the ARB.

7) Trailers.

No construction office trailers may be placed erected or allowed to remain on any home site or in any other area of Heaven's Landing, except as approved in writing by the ARB.

8) Construction Access.

During the time a residence is under construction or other improvements are built all construction access shall be confined to the approved driveway for the home site unless the ARB approves an alternative access way.

9) Gravel Drives.

Prior to the commencement of construction on any home site, the Property 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.

10) Parking.

All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any street within Heaven's Landing overnight. Construction vehicles may be left on home sites 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 Heaven's Landing:

- a) Changing oil of any vehicle.
- b) Allowing concrete suppliers and contractors to clean their equipment other than at locations, if any, designated for that purpose by the ARB.
- c) Carrying and/or discharging any type of firearms, except by law enforcement officials.
- d) Careless disposition of cigarettes and other flammable materials.

12) Pets.

Builders and contractor personnel may not bring pets into Heaven's Landing.

13) Common Areas.

Except with the prior written approval of the ARB, Builder and contractor personnel are not allowed in the common areas or amenity areas of Heaven's Landing.

14) Accidents.

The Master Developer shall be notified immediately of any accidents, injuries or emergency occurrences.

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. Builders with more than one home under construction may share one toilet as long as the home sites are within a reasonable proximity to one another.

16) Speed Limits.

The established speed limit within Heaven's Landing is twenty miles per hour (20mph) for all vehicles, and this speed limit must be obeyed.

17) Property Damage.

Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. must be repaired immediately or they will be repaired by the ARB and the cost of such repairs will be deducted from the Property Owner's construction deposit. If any telephone, cable TV, electrical, gas, water or other utility lines are cut, the party causing such damage shall (1) report the matter within thirty (30) minutes to the Master Developer and at the respective utility company and (2) 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 enter Heaven's Landing on a temporary or permanent basis.

19) Enforcement.

Violations or attempted violations on the part of any owner, the heirs, administrators, executors and assigns during the term of these restrictions shall afford any other person or persons owning lots in said subdivision, a right of action at law or in equity against the person or persons violating or attempting to violate these covenants, either to restrain such violations or to recover damages or both.

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