



# FALLS COVE

## **ARCHITECTURAL AND LANDSCAPE GUIDELINES**

**Falls Cove Development, LLC**

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## ARCHITECTURAL AND LANDSCAPE GUIDELINES

### INTRODUCTION

These Architectural and Landscape Guidelines (the "Guidelines") have been prepared by the Architectural Control Committee (the "ACC") for the residential community known as Falls Cove. The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Falls Cove (the "Declaration"). The Guidelines consist of three components: Architectural and Design Guidelines, Landscape Guidelines and Construction Rules, as set forth below. All defined terms used in the Guidelines, as indicated by the initial capitalization thereof, shall have the same meaning ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be employed in conjunction with the Declaration. If there is an express conflict between the terms of the Declaration and the terms of the Guidelines, the terms of the Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements that are applicable to Falls Cove are more restrictive or more stringent than the terms of the Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

The Lake Buffer Guidelines, published under separate cover, are considered a part of these Architectural and Landscape Guidelines. As part of the Architectural and Landscape Guidelines, the ACC, pursuant to the Declaration of Covenants, Conditions and Restrictions for Falls Cove, will have the right to maintain and revise the Lake Buffer Guidelines, and to utilize them as they may pertain to any Lot or Common Area in Falls Cove. The provisions within the Lake Buffer Guidelines will have the same force and effect as this document. If your Lot abuts the Lake or has all or a portion of a Lake buffer on it, then you must consult the Lake Buffer Guidelines as well as this document.

### DESIGN PHILOSOPHY

The Guidelines have been developed to implement the design philosophy of Falls Cove, namely, to blend structures, the Lake and residents' lifestyles into a harmonious and aesthetically pleasing residential community which places a strong emphasis on the preservation and enhancement of the natural beauty of Falls Cove, and facilitating a community lifestyle. The Guidelines are intended to provide direction to Lot Owners, architects and builders in the planning, design, and construction of residences and related Improvements on Lots. It is not the purpose

of the Guidelines to create look-alike residences and other Improvements or to suggest that all residences employ the same colors, styles, and materials. Rather, the primary emphasis of Falls Cove is on quality of design and compatibility among all Improvements, without unduly restricting the ability of Lot Owners to exercise individuality in their choice or design of a residence and related improvements. The ACC will be open to and encourage creativity, innovative use of materials and design and unique (if appropriate) methods of construction as long as the final result is consistent with the spirit of the Guidelines and the guiding philosophy of Falls Cove. The authority of the ACC to approve or disapprove plans, specifications and drawings for residences, related improvements and landscape improvements is provided by the Declaration.

The Guidelines have been established to provide Lot Owners and their architects and builders with a set of parameters for the preparation of plans, specifications and drawings for the construction of residences and related Improvements on Lots ("Building Plans and Specifications") and for the installation of landscape improvements on Lots ("Landscape Plans and Specifications"). Each Lot Owner and each Lot Owner's building team should become familiar with the Guidelines and the process set forth herein for the submittal, review and approval of Building Plans and Specifications and Landscape Plans and Specifications (together, "Plans and Specifications"). If building in Falls Cove for the first time, Lot Owners and their architects and builders are encouraged to consult the ACC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ACC has been created to explain and assist in the design review process as well as to review, approve, or disapprove Plans and Specifications. It is the ACC's objective to maintain an aesthetically pleasing relationship of building to site and building to building and not to restrict individual creativity or preferences. The ACC will use the Guidelines for the purpose of reviewing each design, but the ACC may consider creative and innovative approaches in order to address special site conditions or circumstances, provided such approaches are permitted under the Declaration and are otherwise consistent with the spirit of the Guidelines. The ACC may retain advisory design professionals to serve as members of the ACC to aid in the review of Plans and Specifications.

### COMMUNITY LAYOUT AND ORGANIZATION

Falls Cove is comprised of two neighborhoods that are not contiguous. One neighborhood has been designated Streamwood (the main entrance is off of Perth Road), and the other Parkwood (the main entrance is off of Morrison Farm Road). As of May 2007, the Streamwood neighborhood is within the Town of Troutman. Town of Troutman municipal sewer and water are available to the

## ARCHITECTURAL AND LANDSCAPE GUIDELINES

Streamwood neighborhood and the Lots contained within it. As of May 2007, Parkwood is not within the Town of Troutman, and it is not known if the Town of Troutman ever will annex the Parkwood neighborhood. The Town of Troutman will make available water to the Lots within the Parkwood neighborhood, but domestic waste disposal for each Lot will be through a septic system specific to the Lot which shall be required to conform to an installation and maintenance program administered by the Falls Cove Property Owners Association, Inc.

Lots may be subject to different jurisdictional requirements depending upon whether they are within The Town of Troutman and Iredell County (Streamwood), or solely within Iredell County (Parkwood). In addition, portions of these Guidelines may or may not apply to certain Lots, based on the Lot's characteristics. For example, Lots served by a Septic System specific to the Lot may have different constraints and/or requirements than those served by municipal sewer, and vice-versa. The ACC may differentiate requirements based on Lot characteristics, and such characteristics will be defined where possible.

### FUTURE AMENDMENTS

The ACC reserves the right to amend any or all provisions of the Guidelines at any time and from time to time, in the sole and absolute discretion of the ACC. Also, the ACC reserves the right to rule on all issues on a case by case basis, taking into account the fact that these Guidelines are to be used as benchmarks for policies and procedures, and may be interrupted from time to time by the ACC to reflect certain circumstantial issues.

Prior to commencing the preparation of Building Plans and Specifications and Landscape Plans and Specifications, it shall be the responsibility of each Lot Owner to obtain from the ACC the most current version of the Guidelines (and all amendments thereto). All Building Plans and Specifications and all Landscape Plans and Specifications shall be prepared in compliance with the most current version of the Guidelines (and all amendments thereto) that has been promulgated by the ACC at the time such Building Plans and Specifications and Landscape Plans and Specifications are prepared.

**ARCHITECTURAL AND DESIGN GUIDELINES**

**1. PROCEDURES AND APPROVALS**

1.1. Architectural Review Process.

Prior to the commencement of any construction activity of any type (including any grading work) on any Lot, an Application for Approval (using a form to be obtained from the ACC) of such work must be submitted by the Lot Owner or such Owner’s designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under Section 1.3 herein entitled “Design Review Procedure” prior to the commencement of any such work. Also, all design and construction escrow fees required under these Architectural and Design Guidelines must be paid to the ACC prior to the commencement of any such work.

1.2. Pre-Application Procedure.

As set forth in Section 5.2 herein and subject only to the terms thereof, the ACC requires that each Lot Owner contract with a Guild Builder (as more particularly described herein) to serve as builder and general contractor for the construction of Improvements on such Owner’s Lot. The Town of Troutman and Iredell County and its planning departments have jurisdiction over the community at Falls Cove. Each Lot Owner or a representative of each Lot Owner should contact representatives of the Town of Troutman and/or Iredell County and its planning department at the beginning of the planning and design process relative to such Owner’s Lot to ensure compliance with the rules, regulations and standards of the Town of Troutman and/or Iredell County. Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner’s builder. It should not be assumed, however, that compliance with the rules, regulations and standards of the Town of Troutman and/or Iredell County and other governmental and quasi-governmental authorities will satisfy all requirements of the ACC, the Declaration or the Guidelines.

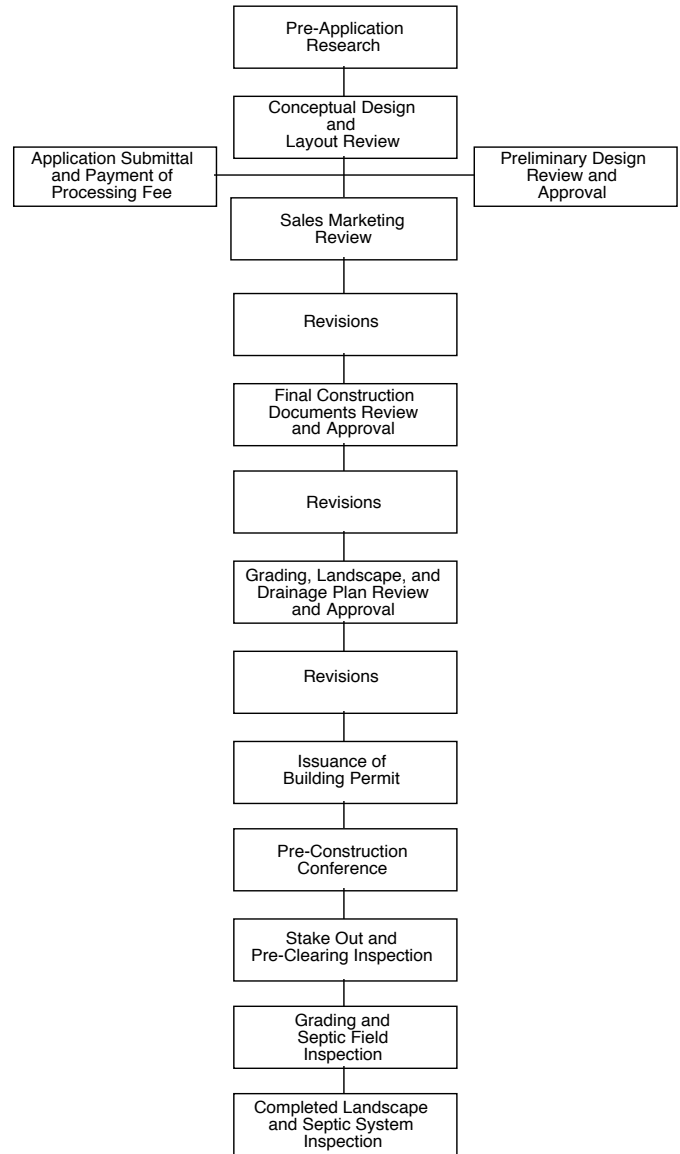
1.3. Design Review Procedure.

The successful completion of the design review procedure under the Architectural and Design Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Architectural and Design Guidelines and by reviewing and following the step-by-step design review format described below. The review format has been structured to achieve a smooth and timely review from preliminary plan submittal to final site inspection and approval.

If a new residence is to be built “on speculation,” the builder must submit a set of Building Plans and Specifications for such Improvements to the Falls Cove sales office to receive the benefit of the review and

comments of personnel in the Falls Cove sales office prior to submitting such Building Plans and Specifications to the ACC for its review. An extra copy of the final Building Plans and Specifications submittal is to be delivered to the sales office for future reference by sales office personnel.

The following flow chart represents the necessary procedures in the process of building a residence in Falls Cove:



The ACC has established a schedule for submittal of Building Plans and Specifications, review of Building Plans and Specifications, and meeting with the Lot Owner or the representative of the Lot Owner to discuss any questions or concerns of the ACC relative to the Building Plans and Specifications. The established schedule permits a timely review of submitted Building Plans and Specifications and allows Lot Owners and their representatives to accurately plan their schedules. Building Plans and Specifications must be submitted by the Lot Owner or the Lot Owner’s representative to the ACC Coordinator [Phone Number: (704) 799-6100] at the ACC office by 5:00 p.m. on the



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Friday prior to the scheduled ACC review meeting. Each submittal of Building Plans and Specifications must be accompanied by a completed Application for Approval form (available from the ACC), a one-time processing fee (the "Processing Fee") of Six Hundred Fifty Dollars (\$650.00), and three (3) complete sets of the Building Plans and Specifications [four (4) sets if the residence is to be built "on speculation"]. The ACC has a review meeting once a week to review the Building Plans and Specifications that have been submitted since the most recent ACC review meeting. Each Lot Owner that has submitted Building Plans and Specifications for review is encouraged, although not required, to attend the ACC review meeting at which such Lot Owner's Building Plans and Specifications will be reviewed to respond to any questions that the ACC may have relating to such Lot Owner's Building Plans and Specifications. Appointments for ACC review meetings can be made by contacting the ACC Coordinator.

As set forth above, each Lot Owner will be charged a Processing Fee for the review of such Lot Owner's Building Plans and Specifications. The Processing Fee, which is Six Hundred, Fifty Dollars (\$650.00), shall be paid by check and shall be made payable to the ACC. The ACC shall have the right to increase the amount of the Processing Fee from time to time as stated in the Declaration and these Guidelines. The Processing Fee is intended to partially cover the expense incurred by the ACC in reviewing Building Plans and Specifications, including the cost of compensating any consulting architects, landscape architects, urban designers, inspectors, or attorneys retained by the ACC.

Several additional Architectural Control Committee Review Fees and charges are as follows:

- Third resubmittal of Home, Site and Landscape plan whether preliminary or final \$300
- Swimming Pool plans \$25
- Playground Equipment \$25
- Home Additions \$175
- Screened Porches \$50
- Landscape plan resubmittals \$50
- Exterior color changes \$25
- Site visits for nonconformity of approved plans \$200
- Dock, slip, pier, boat lift \$25
- Fence, retaining and sea walls \$25

The Application for Approval, the Processing Fee, the Building Plans and Specifications and all other materials necessary for the ACC to review Building Plans and Specifications shall be sent to:

Falls Cove  
Architectural Control Committee  
c/o The Farms  
~~106 Kapp Place~~ 11104 Limehurst Place  
Mooresville, North Carolina 28117  
Charlotte, NC 28278

### 1.4. Review of Preliminary Building Plans and Specifications.

The ACC encourages Lot Owners and builders who are building in the Falls Cove community for the first time to participate in the preliminary Building Plans and Specifications review process. Although not required, the preliminary Building Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Building Plans and Specifications review process. The ACC will review with the Lot Owner or the Lot Owner's representative such Lot Owner's proposed design approach to confirm general compliance with the Architectural and Design Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Building Plans and Specifications review process, a completed site plan and the architectural drawings for the Improvements (as outlined in the enclosed Application for Preliminary Design Approval form, a copy of which is attached hereto as Schedule A) shall be included as part of the preliminary Building Plans and Specifications submittal. The preliminary Building Plans and Specifications submittal shall also include a completed Application for Approval and the Processing Fee.

The ACC shall review the preliminary Building Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Building Plans and Specifications that are marked "Approved" by the ACC, final Building Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Building Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Building Plans and Specifications.

The ACC may refuse to approve preliminary Building Plans and Specifications or any component(s) thereof, including, without limitation, the location, style, exterior materials, colors or finishes or other specifications of the proposed Improvements for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

### 1.5. Review of Final Building Plans and Specifications.

The submittal of final Building Plans and Specifications shall incorporate all of the requirements stated in the Application for Final Design Approval form, a copy of which is attached hereto as Schedule B, and other portions of the Architectural and Design Guidelines as well as comments from previous meetings and design reviews.

Three (3) complete sets of the final Building Plans and Specifications must be submitted to the ACC. Provided, however, four (4) complete sets must be submitted if the Improvements are to be built "on speculation." Also, the Processing Fee (\$650.00) must be submitted as part of the final Building Plans and Specifications submittal if the

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Processing Fee has not been paid to the ACC previously. In addition, the following items must be submitted to the ACC as a condition to the final Building Plans and Specifications review process:

- The landscape/construction escrow deposit (the "Landscape/Construction Escrow Deposit"), as set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. The Landscape/Construction Escrow Deposit is currently One Thousand Dollars (\$1,000.00) per Lot. The Landscape/Construction Escrow Deposit shall be paid by check made payable to Falls Cove Architectural Control Committee (The "ACC"). The Landscape/Construction Escrow Deposit will be held by the ACC and used for the purposes set forth in the Construction Rules. With respect to Guild Builders, the Landscape/Construction Escrow Deposit will be carried forward from Lot to Lot as long as the Guild Builder remains in the Guild Builder Program at Falls Cove. The maximum Landscape/Construction Escrow Deposit required from any one Guild Builder will be Five Thousand and No/100 Dollars (\$5,000.00).

- Owner's prorata share of the cost of the Common Driveway, if any, serving such Owner's Lot, which amount is to be set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. This requirement applies only to Lots sharing a Common Driveway in cases where another Lot Owner has assumed responsibility for construction of the Common Driveway. In the event the Lot will share a Common Driveway and no other Lot Owner has assumed responsibility for the construction of the Common Driveway as of such time, the Owner first seeking approval of final Building Plans and Specifications shall include the cost and design of the Common Driveway in such Owner's final Building Plans and Specifications and shall construct the Common Driveway in accordance with the approved final Building Plans and Specifications; and in such case, upon completion of the Common Driveway, the Owner that constructed such Common Driveway shall be entitled to reimbursement from Falls Cove Development, LLC or its successor or assign as developer of Falls Cove, for the prorata share of the total cost attributable to the other Lots served by the Common Driveway. Falls Cove Development, LLC shall receive reimbursement for such prorated share from the Owners of the other Lots served by the Common Driveway at the time they acquire title to the applicable Lots. The Common Driveway installation and maintenance costs will be shared equally among the Lots served thereby.

- A true and complete copy of a fully executed contract for construction of the Improvements between the Owner and a Guild Builder. Except as otherwise specifically allowed under Section 5.3 herein, only Guild Builders may construct Improvements on any Lot. Furthermore, in the case of construction of Improvements on a Lot "on speculation" (i.e., where a builder is building such

Improvements for sale to a third party) or in the case of construction of Improvements on a Lot by a builder for such builder's personal occupancy, there shall be no requirement that a true and complete copy of a fully executed contract for construction of the Improvements be submitted.

- Evidence that the Lot Owner (or if the Lot Owner is a Guild Builder with a prospective purchaser, that the Guild Builder's prospective purchaser) has executed at least one of the following Falls Cove Development, LLC required documents:

- 1) Lot Purchase and Sale Agreement;
- 2) Builder Purchase and Sale Agreement (in the case of a sale of a Lot directly to a Guild Builder);
- 3) Home Purchase and Sale Agreement; or
- 4) Request for Waiver of Right of First Refusal.

The required evidence of compliance with this requirement shall be the delivery to the ACC of a counterpart fully executed original of each such Falls Cove Development, LLC required document.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Building Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ACC. If the first resubmittal of final Building Plans and Specifications occurs more than a year from the original submittal of the final Building Plans and Specifications, such resubmittal shall be accompanied by another Processing Fee (\$650.00); also, each resubmittal of final Building Plans and Specifications in excess of two (2) submittals (including both the original submittal and any resubmittals) shall be accompanied by a supplemental processing fee of \$300.00.

At such time as the final Building Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Building Plans and Specifications shall be retained by the ACC and the other complete set of the approved final Building Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with design comments. Once the ACC has approved final Building Plans and Specifications for Improvements to be constructed on a particular Lot, the construction of such Improvements must be promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the final Building Plans and Specifications by the ACC, the approval

of such final Building Plans and Specifications by the ACC shall be deemed rescinded. In the event of any such rescission of the ACC's approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced thereafter only after resubmission of final Building Plans and Specifications to the ACC for approval and approval of such final Building Plans and Specifications by the ACC.

Any modification or change to the "Approved" set of final Building Plans and Specifications must be submitted in triplicate to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Building Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Building Plans and Specifications.

1.5.1. Lot Signs.

All sold Lots shall have the option of a Lot sign that includes the builder name. The sales department will assist in this matter. Lot signs shall be displayed on unimproved Lots no longer than 12 months.

1.6. Lot Staking, Site Inspection and Approval to Commence Work.

Once final Building Plans and Specifications approval has been granted by the ACC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ACC prior to commencing any construction work thereon (including grading work). The Lot Owner or the Lot Owner's representative must clearly stake the proposed house Septic System drainfield envelope, if applicable (both the primary field and the repair area), driveway location, and property lines and, if applicable, pool and tennis court location. Staking shall be with a continuous ribbon or string encircling the area to remain undisturbed, and any additional trees to remain undisturbed located outside the encircled area shall be ribboned individually or in groups. See Figure 1.6.1.

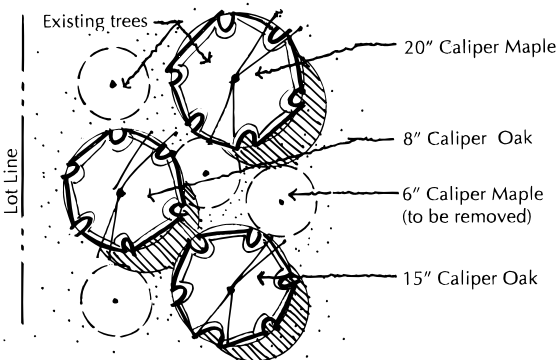


Figure 1.6.1 Existing Trees/Tree Save Area

After such staking of the Lot has been completed, the Lot Owner or the Lot Owner's representative shall request the ACC to make a site inspection prior to the commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the ACC is to ensure compliance with the approved Building Plans and Specifications in order to prevent any unnecessary damage to specimen trees and other unique site features. (Please refer to the Landscape Guidelines regarding requirements and restrictions relating to tree and vegetation protection and removal). In addition to the foregoing matters, the site inspection shall include a review of the following matters and issues:

- Building setbacks (as per stakes);
- Side yards (as per stakes);
- Clearing limits;
- Placement of excavation materials;
- Protection of water meter and Septic Easement Areas (if applicable);
- Location of Septic drain field, if applicable;
- Location of construction entrances;
- Location of temporary toilet;
- Location of trash containers; and
- Erosion control measures (fencing and hay bales as required).

Inspection by the ACC shall be made within seven (7) business days of the date the request is received by the ACC. Written authorization by the ACC to proceed with the Lot clearing and construction work will be issued to the Lot Owner or to such Lot Owner's builder by the ACC promptly after the inspection is completed or, if problems are detected during the site inspection, written notification of such problems shall be given to the Lot Owner or such Lot Owner's builder by the ACC promptly after the inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the ACC. The ACC shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of this paragraph. The ACC may delegate its site inspection functions under this section to Falls Cove Development, LLC's development construction manager for Falls Cove.

Performance of the site inspection does not relieve any builder from its obligation to contact the proper utility locating services to locate all utilities on the entire Lot, prior

to digging on such Lot. Neither Falls Cove Development, LLC, nor the ACC, will be responsible for mistakenly placed utility infrastructure on the part of any utility contractor, that may affect home construction on any Lot. In some cases, some utilities may have been placed prior to development of Falls Cove. In every case it is imperative that the builder perform the necessary utility location operations prior to construction.

#### 1.7. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Building Plans and Specifications and other submittals which conform (and which relate to Improvements which will conform) with the requirements of the Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Declaration, of all items that were required to be submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Building Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Building Plans and Specifications and other submittals, EXCEPT that the ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located, and EXCEPT FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in Section 8.07, Section 8.08 or Section 8.09 of the Declaration or any corresponding provisions in the Guidelines. If final Building Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance. The ACC is authorized to request the submission of samples of proposed construction materials.

#### 1.8. Changes to Approved Plans.

All changes, once final Building Plans and Specifications have been reviewed and approved, must be submitted to the ACC for approval (as outlined in the Minor Change Application attached hereto as Schedule D).

#### 1.9. Final Inspection and Landscape/Construction Escrow Refund.

Once all Improvements have been completed, including landscape Improvements, a final inspection must be conducted to ensure compliance with the ACC's approval of final Building Plans and Specifications. A request must be made to the ACC in writing to conduct a final on-site

inspection (see attached Schedule F). The Landscape/Construction Escrow Deposit, will be refunded after this inspection has been conducted and the Lot is deemed to be "in compliance" with the approved final Building Plans and Specifications, and provided the Landscape/Construction Escrow Deposit has not been utilized during the building process as outlined in Section 5.4 hereof.

## 2. SITE PLANNING

### 2.1. Site Analysis and Siting Considerations.

The siting of a house is a critical and important design decision. The site plan concept developed for each Lot Owner (as part of the Plans and Specifications for such Owner's Lot) should reflect functional needs but also should be sensitive to the unique characteristics of the Lot as well as the unique characteristics of the surrounding neighborhood.

Each builder will be required to submit a final foundation survey prior to the rough framing stage on each homesite under construction.

The ACC shall consider each Lot independently but shall give consideration to the impact of each individual Lot (and the Improvements proposed to be constructed thereon) on adjacent Lots and view corridors. Care must be taken to locate each structure, when and where possible, so as not to infringe upon adjacent Lots and structures constructed or to be constructed thereon, view corridors and natural amenities of the area. Consideration in this regard must be given to the following:

- 1) Topography of the Lot and other Lots in the vicinity.
- 2) Distant and intimate views from the Lot.
- 3) Distant and intimate views of the Lot from other Lots and from the waterfront.
- 4) Existing vegetation type and quality.
- 5) Existing water and drainage patterns.
- 6) Septic System requirements, if applicable
- 7) Driveway access.
- 8) Setback from street to align with adjacent Lots.
- 9) Percolation testing, if applicable

#### 2.1.1. Right of Way and Utility Easement

In the Streamwood neighborhood, the Town of Troutman has established certain standards for the right-of-way and additional utility easement (see Figure 2.2.1.) that front each roadway. Builders should become familiar with

the Town of Troutman’s regulations that pertain to these areas prior to establishing the locations of the house and driveway on the Lot.

The existing grade in these areas should be relatively flat, and the Town of Troutman requires that it remain as originally graded by Falls Cove Development, LLC, per the Town of Troutman’s standards. In addition, if a sidewalk is in place on a particular Lot, it may not be raised or lowered and must remain as originally located (see Section 2.3.2. Community Sidewalks).

If a Lot Owner or Guild Builder fails to adhere to the Town of Troutman’s requirements, the Town of Troutman may refuse to issue a Certificate of Occupancy for the home until all such requirements have been met.

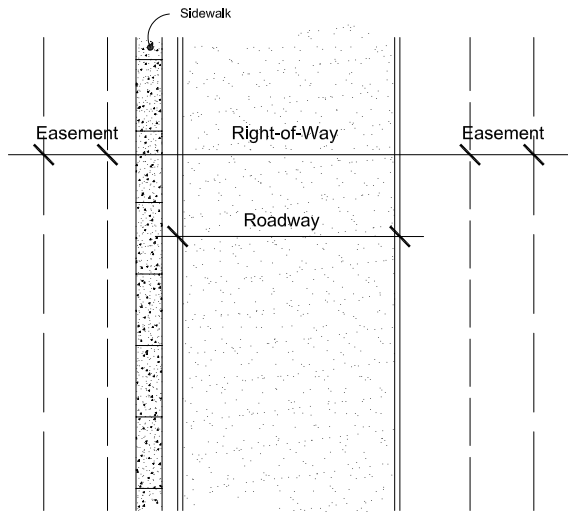


Figure 2.1.1. - Right of Way and Utility Easement

2.2. Building Envelopes and Building Setbacks.

The Town of Troutman and the Iredell County Planning Departments have established minimum standards for building setbacks for various types of residential structures within their jurisdiction. The building setbacks required by these entities, however, are not to be construed necessarily as setbacks that will be approved by the ACC relative to Lots in Falls Cove, and the ACC reserves the right to impose setback requirements relative to some or all of the Lots that are more stringent than the setback requirements imposed by these entities. The ACC has provided setback requirements that, when viewed in total, are designed to ensure that the Falls Cove community will be pleasing in appearance from views not only from the Roadways, but also from the waterfront, or other “community” facilities such as the Common Areas. In that regard, the ACC has established a specific Building Envelope for each Lot, and the Building Envelope approved by the ACC for each Lot will be available from the ACC on an unrecorded plat. The Building Envelope for each Lot defines the front, side, and rear yard setbacks, which setbacks are generally more restrictive than the setback requirements imposed

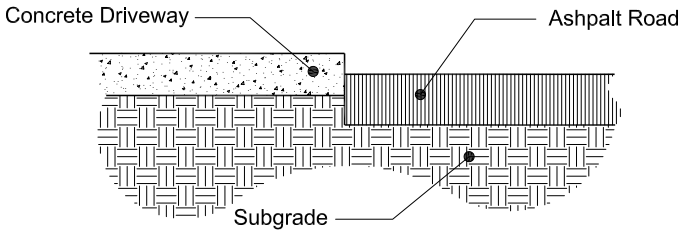
by Iredell County and/or the Town of Troutman. The intent of the ACC in imposing the Building Envelope is to allow for harmonious alignment of the Improvements on Lots to help assure appropriate views of and from the residences located on the Lots.

Within the Building Envelope, the residence and all other Improvements shall be located and tailored to the specific features of the particular Lot. Provided, however, due to certain governmental requirements and/or site-related conditions, portions of the building envelope on a particular Lot may not be available for the location of Improvement. All Improvements shall be located so as to minimize disruption or disturbance to the existing natural setting, including mature trees, drainage ways, and views. As part of the review and approval of Plans and Specifications, the ACC may require that the location and orientation of the house and other Improvements within the Building Envelope be modified. No building on any Lot (including any stoops or porches, patios, terraces, etc.) and no swimming pool, tennis court or other recreational Improvement on any Lot shall be erected or permitted to remain outside of the Building Envelope for that particular Lot. Provided, however, notwithstanding the foregoing, (i) docks, piers, and boat slips are exempt from this building envelope restriction provided they are approved by the ACC in accordance with the applicable provisions of the Guidelines, (ii) exterior steps at the front and rear of the structure may project into the setback area established by the Building Envelope up to a distance of five (5) feet, provided no stair tread projecting into the setback area may be more than eighteen (18) inches above finished grade and (iii) fireplace chimney structures projecting from the side of a dwelling may encroach eighteen (18) inches into the side yard setback established by the Building Envelope.

As set forth in the Declaration, the ACC shall have the right, in its sole discretion, to make exceptions to any Building Envelope to recognize any special topography, vegetation, Lot shape or dimension, or other site-related condition.

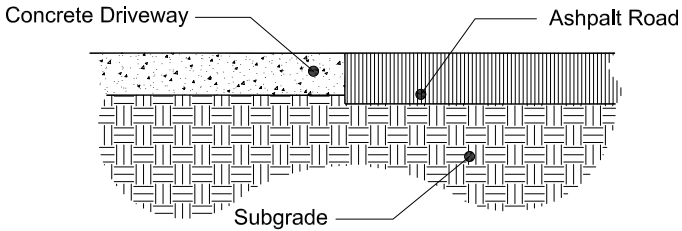
2.3. Driveways, Sidewalks, and Utilities.

For Lots that have a ditch and a swale section, as opposed to curb and gutter, all driveways must be poured so that they are flush with the asphalt edge of the street. Any driveway that is poured higher than the street (see Figure 2.3.1) will cause the streets to be ineligible for acceptance by the North Carolina Department of Transportation (the NCDOT) or the Town of Troutman, and the builder and/or Lot owner will be responsible for the cost associated with bringing the driveway into compliance. All driveways should be poured as shown in Figure 2.3.2.



Inorrect Driveway Placement Section  
Concrete Lip at Roadway Edge  
(Does Not Comply with NCDOT Standards)

Figure 2.3.1



Correct Driveway Placement Section  
Driveway Flush with Roadway  
(Complies with NCDOT Standards)

Figure 2.3.2

The ACC has established a recommended driveway location for each Lot, and such recommended driveway location is depicted on the unrecorded plat that shows the Building Envelope for such Lot. The ACC also may establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. The driveway location will vary from Lot to Lot, depending on the Lot size, shape, topography, vegetation, placement of the Building Envelope, sight distances at the entry to the adjacent public Roadway(s) and the location of other houses and access driveways in the vicinity of the Lot. Driveways and sidewalks should be configured and curved, where practical, to accommodate existing trees, to avoid unnecessary cutting of existing trees and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. (See Figure 2.3)

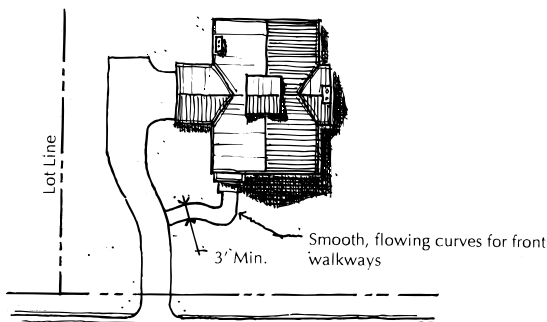


Figure 2.3 - Front Walkway Design

In general, the driveway on a Lot should be separated from driveways on adjacent Lots by a distance equal to at least one-half ( $1/2$ ) of the frontage of the Lot where the driveway is to be located. However, complying with this driveway siting guideline will not be possible in all situations, particularly on cul-de-sac Lots, fan Lots, flag Lots and Lots with unusual septic areas, but in no case shall the side boundary of a driveway be located less than two (2) feet from a side boundary line of the Lot. Driveways should be constructed of brick, imprinted concrete or lightly brushed concrete with a smooth trowelled decorative edge, unless another material is approved for a particular Lot by the ACC. On cul-de-sac lots, circular drives with two (2) street entrances will not be permitted. Driveway width should be 12' except at garage backup area.

Exceptions to the designated driveway, sidewalk and utility areas can be made by the ACC in writing. However, the ACC will consider proposed deviations only if their implementation will not result, in the judgment of the ACC, in an adverse impact upon the natural features of the Lot, neighboring Lots, or the Falls Cove community as a whole.

The placement of any permanent coverings, such as, but not limited to, driveways or walkways, is generally prohibited by the ACC where they would cover any Septic System components. Plans must be submitted to the ACC for Septic System impact consideration if the permanent covering is intended for placement within 5' of any Septic System component.

Absolutely no utility lines are to be installed within the Septic System "drainfield envelopes" or over tankage areas. All utility contractors shall be made aware of the Septic System component locations and must locate their services outside the perimeter of the Septic System.

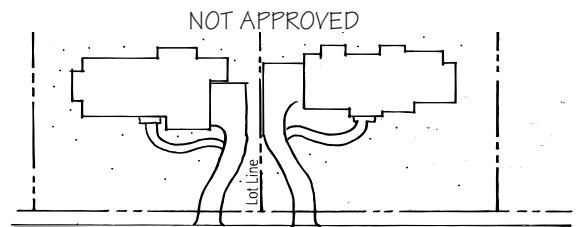


Figure 2.3.3 - \* Not Drawn to Scale

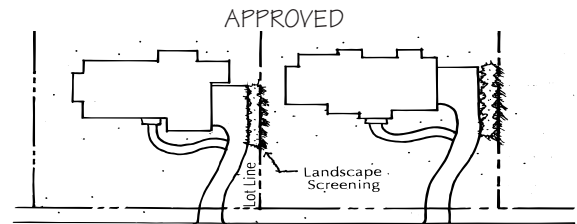


Figure 2.3.4 - \* Not Drawn to Scale

Lots with building pads that measure **80' OR LESS** across the front line will be allowed to project the concrete "turn-around" pad to the side Lot line with the following stipulations:

1. Drainage must be contained by the drive on that particular Lot. No run-off should be allowed to escape across the common line. Containment may be achieved with an approved wall, curb or swale.
2. Drives that do not meet recommended driveway access location will be excluded from this variance, i.e. drives may not share a common Lot line under any circumstances. (See Figure 2.3.3)
3. Cul-de-sac lots' drive variances will be taken on a case-by-case basis.
4. Landscape screening will still be required to help screen garage doors from the street and the adjacent Lot. An example of screening can be found in Figure 2.3.4.

### 2.3.1. Headwalls & Permanent Driveway Location.

For Lots that have a ditch and a swale section, as opposed to curb and gutter, headwalls, as depicted in Schedule P, will be installed by Falls Cove Development, LLC along each Lot entrance. In no instance shall a builder install a temporary construction entrance at any location other than the permanent driveway location. It shall be the responsibility of the builder to ensure the pipe and headwalls are adequately sized and placed so it does not inhibit the functionality of the community drainage / storm water runoff system established by Falls Cove Development, LLC. In no instance may the ditch section be paved or otherwise altered. Any deviation from the standard established with this Section, 2.3.1 will need to be approved in advance by the ACC and Falls Cove Development, LLC. After installation of the headwalls, any relocation will need to be approved in advance by the ACC. If approval is granted, the builder and/ or Lot Owner will be responsible for the cost of relocating the headwalls.

### 2.3.2. Community Sidewalks.

Certain Lots in Falls Cove will have a community sidewalk along the front of the Lot. This sidewalk is within the right-of-way of the Roadway adjoining the Lot and will be maintained by the Falls Cove Property Owners Association, Inc. or the Town of Troutman. When establishing the driveway location for the Lot, the sidewalk may not be removed and repoured as depicted in figure 2.3.5. The correct driveway and sidewalk configuration is depicted in figure 2.3.6. If the sidewalk is damaged during the course of construction on the Lot, the sidewalk may be allowed to remain temporarily in that state until the driveway for the Lot is poured, upon which damaged portions of the sidewalk must be removed and re-poured such that the sidewalk is restored to its original configuration.

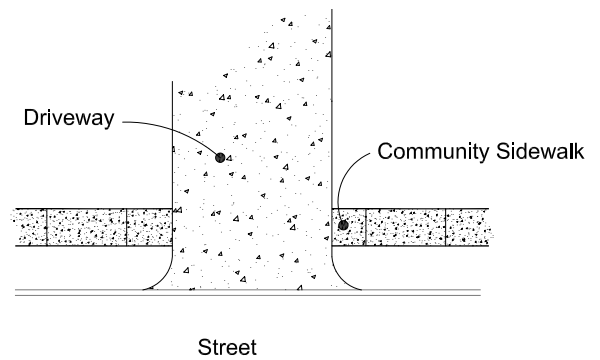


Figure 2.3.5 - Incorrect Driveway Configuration

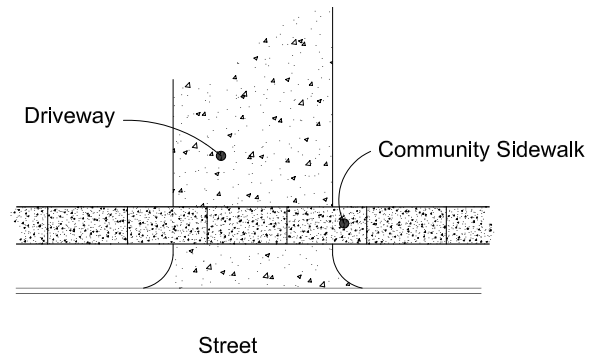


Figure 2.3.6 - Correct Driveway Configuration

### 2.3.3. Utility Apparatus.

Utilities installed within Falls Cove may have some above ground apparatus such as, but not limited to, transformer cabinets, wiring boxes, poles, etc. These utilities have certain rules and guidelines that regulate the way they can be graded and landscaped around. Typically, these regulations are posted on the specific apparatus located within the right-of-way and / or easements along a specific Lot. Builders and Lot Owners should become familiar with all such rules, and the particular utility may need to be contacted for specific instructions.

### 2.4. Easements.

Landscape Improvements (as defined in the Landscape Guidelines) and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited herein or by a recorded easement instrument). Provided, however, if in the future there is a need to disturb or remove such Landscape Improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Owner of the Lot.

### 2.5. Grading and Excavating.

The design and development concepts of the Falls Cove community call for the utilization and enhancement of the existing natural environment. The ACC is particularly conscious of site design and its potential and seeks to ensure that each residence accommodates and blends

## Falls Cove

aesthetically with the natural site features and existing terrain of the Lot and the neighboring Lots in the best possible manner. Absolutely no grading whatsoever shall be permitted on a Lot without first obtaining such authorization from the ACC.

Grading and clearing the area for placement of any Septic System is very critical to its long-term integrity and performance. No equipment will be allowed on the "drainfield envelope" areas under wet conditions, which will cause soil compaction. Even in dry conditions, careful limits should be considered when heavy equipment is used in removing debris from the drainfield areas. The natural topography is also essential to the proper performance of any Septic System. Therefore, artificial fill or cuts are prohibited without the approval of the ACC. This applies to all reserved repair areas.

All grading plans submitted to the ACC shall be considered individually for each Lot. Recommendations or requirements of the ACC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fill, and any other conditions the ACC determines impact upon the site grading for the Lot.

### 2.6. Drainage and Erosion Control.

For Lots that have a ditch and a swale section, as opposed to curb and gutter, it shall be the builder's responsibility to ensure that all grades are maintained in the ditch that fronts each Lot as originally designed and implemented by Falls Cove Development, LLC prior to Lot disturbance. Failure to abide will result in Falls Cove Development, LLC taking corrective action, and the builders who construct on the Lots in question will be required to reimburse Falls Cove Development, LLC for all costs associated.

It is also the builder's responsibility to ensure that their landscapers do not impede water flow from the Roadway into the ditch with landscaping (including sod / seed / earth or plantings) immediately adjacent to the Roadway. The overall drainage plan for the Roadways in Falls Cove are designed so that water flows from the crown in the center of the road to the edge, perpendicular to the ditch line. The grades adjacent to the edge of pavement are set so that water will flow from the crown of the Roadway into the ditch unimpeded. Properly installed turf grass will allow for the proper flow of water (see Figure 2.6.1) and allow water to flow off the edge of pavement. Turf grass that is planted too high (see Figure 2.6.2) will cause water to pool and drain slowly or not at all. The builder must ensure that all turfgrass is installed slightly below grade so that water is not impeded.

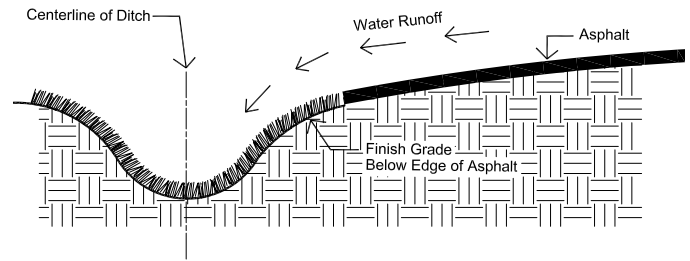


Figure 2.6.1 - Correctly Graded Ditch Section

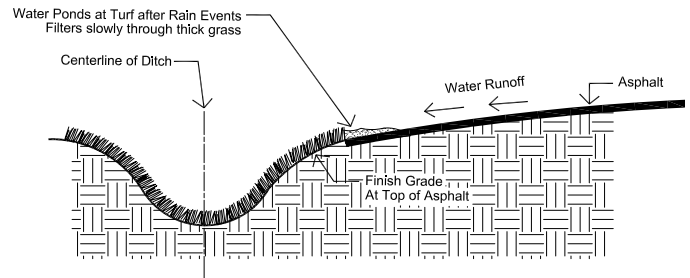


Figure 2.6.2 - Incorrectly Graded Ditch Section

Drainage considerations for individual Lots play an important part in the ecological balance of the community. Generally, where feasible, each Lot should be graded such that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff for each individual Lot can possibly be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control are the responsibility of each Lot Owner relative to such Owner's Lot.

Swales for storm-water drainage shall be used when applicable to protect excessive water runoff moving over the septic system drainfield areas. Water runoff will not be allowed to encroach on the "drainfield envelope" of any individual Lot from adjacent Lots. If the natural slopes drain the stormwater across multiple Lots, swales shall be cut to intercept and redirect the water around the "drainfield envelopes". In addition, if within an individual Lot, water runoff from any area greater than 10% of the total Lot size drains onto or over the "drainfield envelope", a swale will be cut to direct the runoff away from the envelope of the drainfield. Swales shall not be cut within the "drainfield envelope".

Berms for the purpose of redirecting water runoff, away from any Septic System, can be used as long as they do not "hold" the water as a dam resulting in subsurface saturation and possible horizontal flows that could encroach on the "drainfield envelope". This effect could cause premature Septic System failures from overloading of the drainlines. Berms can be used where complex topography situations occur in order to redirect a section of runoff to avoid the "drainfield envelope".

The final grade over all Septic System components should contain slight mounding or sloping to properly shed



rain water. Do not allow ponding to occur as would happen with "flat" topography.

In order to assign the responsibility for drainage features that direct storm water away from lower lying Lots, the following will apply: Instances in which Owners have homes under construction at the same time and share common Lot lines, with one Lot being higher than the other, both Owners shall be equally responsible for a common solution alleviating water runoff onto the lower Lot. It shall be their joint responsibility to communicate, agree on a solution and assign financial responsibility. In instances where homes share a common Lot line, one being lower than the other, and were not under construction at the same time, solutions for alleviating water runoff of the home shall be the sole responsibility of the Owner of the home built at the later date. A noted exception is the piping of the higher home's downspouts, which is the responsibility of that home Owner.

Additionally, downspout drainpipes made of corrugated, bendable black plastic will assist the collection of rainwater from the roof of the dwelling and carry it underground through the pipes to be "daylighted" or emptied at the street or public drainage easement. The pipes are not to be "daylighted" or emptied directly onto adjacent Lots. "Daylighted" ends of the pipes must be cut at an angle, flush with the ground level so as to be less visible.

All dwelling downspouts shall be piped underground away from the dwelling and "daylighted" on the downslope side of any Septic System component. The piping shall not come within 24" vertically and 10 feet horizontally of any system component during a run. The pipe used cannot be of a perforated type; only solid wall shall be used, such as black corrugated bendable plastic. (See Figure 2.6.3)

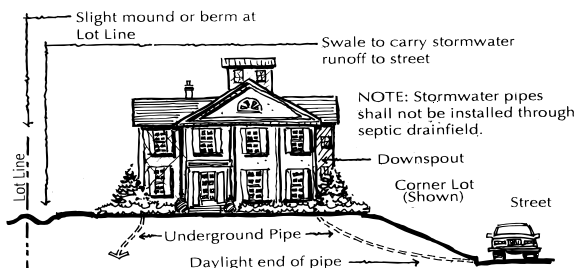


Figure 2.6.3 - Stormwater Drainage

The ACC shall require that the Building Plans and Specifications for all Lots include a drainage plan for such Lot. The ACC may also at its sole option rule on any drainage disputes. (See Schedule K)

At a minimum, each Lot Owner shall be responsible for causing the following minimum erosion control practices to be implemented and maintained throughout the course of all earth-disturbing operations until final stabilization:

- (a) Roadway and Homesite Construction Entrance. Prior to the commencement of any earth-disturbing

operation, a stone construction entrance shall be installed on the building site (the "Construction Entrance"). The Construction Entrance shall:

- (i) be installed in the same location as the proposed driveway so as to minimize the amount of disturbed area;
- (ii) extend a minimum distance from an existing roadway as approved by the ACC; and
- (iii) be installed, preserved and replaced, if necessary, in accordance with the standards more particularly set forth on Schedule O attached hereto.

During construction, each Owner shall use diligent efforts to minimize traffic traveling off of the driveway onto such Owner's Lot.

- (b) Silt Control Devices. Prior to the commencement of any earth-disturbing operation, a diversion ditch and rock check (or stone filter) dam, silt fence, and/or other similar measures approved by the ACC shall be constructed and maintained on the building site (collectively, "Silt Control Devices"). The Silt Control Devices shall be located at the boundary of the estimated disturbed areas as set forth more particularly on Schedule O attached hereto and shall be constructed, preserved, and replaced, if necessary, in accordance with the standards set forth on Schedule O attached hereto.
- (c) In general, a double layer of silt fencing will be required on the Lot side of the stormwater / ditch section along the front of each Lot. Orange barrier fencing will be required at the edge of road paving to inhibit construction traffic from disturbing and eroding the aforementioned drainage swales (see Schedule O).
- (d) Builders will be required to install a sediment trap on each non-interior Lot once clearing is complete, and prior to construction commencing. Details on the installation of the sediment trap are attached in Schedule O. The ACC will direct placement of the sediment trap at the site inspection prior to clearing.

Erosion controls shall be in place from time of clearing the Lot to insure the protection of any Septic System "envelopes". The protection will remain until the time final landscaping is installed. Silt fencing or approved measures will provide protection from possible damage to the soil or Septic System integrity from erosion or construction traffic.

In order to ensure the effectiveness of a particular Lot Owner's erosion control measures, the ACC shall have the right to enter any Lot to inspect any and all erosion control measures and require additional erosion control measures as necessary.

2.6.1. Temporary Roadway Staking.

Owners and builders may elect to protect road shoulders by placing staking along the Roadway to keep construction traffic from damaging grass during periods of heavy construction activity. Such staking must conform to the following guidelines to ensure it is aesthetically

compatible to the house and overall streetscape of the community. Staking on developed Lots must be with wooden stakes no thicker than 2" square, painted white 36 – 48" in height (See Figure 2.6.4). Staking will only be allowed on completed, landscaped homes in areas where heavy home and road construction is underway. For undeveloped Lots, steel stakes may be used in place of the wooden stakes to protect the road shoulder from damage and ensure proper erosion control. Neither the Falls Cove Property Owners Association, nor Falls Cove Development, LLC will be responsible for damage to landscaping by errant drivers, including construction traffic.

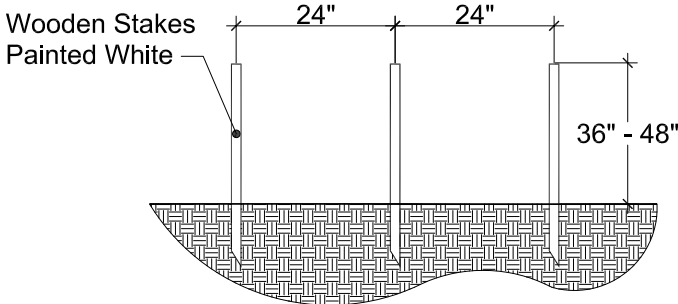


Figure 2.6.4 - Temporary Roadway Staking

The North Carolina Department of Transportation (the NCDOT) or the Town of Troutman may prohibit staking within the right-of-way. If any Lot Owner chooses to place stakes within the right-of-way, they may be required to remove it at the request of the NCDOT or the Town of Troutman. Installation of stakes within the right-of-way is done at the risk of the individual Lot Owner. The NCDOT will require that the all right-of-ways be completely clear of any staking prior to accepting any road for maintenance. Falls Cove Development, LLC, and / or the Falls Cove Property Owners Association Inc. will have the right to remove such staking for the purposes of completing turnover of any road as may be requested by NCDOT or The Town of Troutman.

2.6.2. Drainage Easements.

The general drainage plan for Falls Cove diverts all runoff from the streets to the Lake or drainage channels that eventually lead to the Lake or similar low lying areas. All piped drain outlets are positioned so that the force of the water being channeled has a chance to dissipate and the water can spread and flow gently.

The piped infrastructure and output areas are placed within the boundaries of a drainage easement that typically follows the common Lot lines between two Lots. The end of the pipe will typically contain a riprap channel that will come no closer to the Lake than the edge of the 50' Lake Buffer. This channel is designed to spread the water out as much as possible so it causes minimal disturbance to the buffer area.

The maintenance of this channel shall be the responsibility of the Lot Owner who owns the property within the easement. The riprap in this area may fill in as sediment and soil deposition over time will be unavoidable, and the design of these areas does allow for this.

2.7. View Corridors.

Each Lot Owner must recognize and understand that views and view corridors to and from such Owner's Lot, the waterfront of the Lake, Common Areas and other areas within Falls Cove are in all respects subject to the rights of other Lot Owners, the ACC, Falls Cove Development, LLC and others under the terms and conditions of the Declaration and these Guidelines to construct buildings and other Improvements and install Landscape Improvements (as defined in Section 6.2) that might obstruct or otherwise diminish such views and view corridors.

The location and design of each residence and all other building Improvements should be tailored to the specific features of each Lot. The term "building Improvements" means all Improvements other than landscaping and trees; provided, the term "building Improvements" shall include hedges and other mass planting. All building Improvements should be sited so as to minimize disruption to the existing natural setting, including mature trees, drainage ways and the Primary View. The "Primary View" for each Lake Lot differs based on the Lot's relationship to the other Lots as determined by the ACC, but is generally defined as the area facing the Lake and formed by extending opposing lines (1) at a 135° angle from each rear corner of a Lot's Building Envelope through the closest rear corners of neighboring Lots' Building Envelopes, whichever is smaller. For example, in the accompanying Figure 2.7.1, Building Envelopes are shown with shading; Lines A and B are at 135° angles from the rear corners of the Lot 2 Building Envelope; and Lines C and D extend from the rear corners of the Lot 2 Building Envelope, through the closest rear corners of the Lots 1 and 3 Building Envelopes. The smallest area between any opposing lines is the area between opposing Lines A and D. Therefore, the Primary View from Lot 2 is the area between Lines A and D.

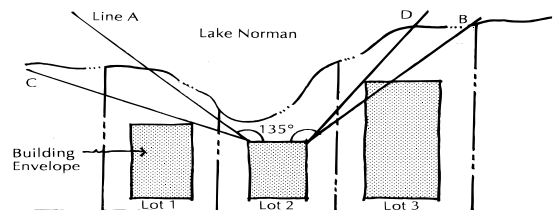


Figure 2.7.1 - Primary View Concept

Notwithstanding the above, Primary Views and other view corridors from a Lot to the Lake, Common Areas, and other areas within Falls Cove are subject to the rights of Lot Owners, Falls Cove Development, LLC and others under the terms and conditions of the Declaration and these Guidelines to construct Improvements and install

landscape Improvements that might obstruct or diminish such views and view corridors. For example, in Figure 2.7.1, the ACC might approve construction of a swing set for Lot 3 within the Primary View from Lot 2, but disallow the installation of hedges within such Primary View. The ACC will use the Primary View concept as a guide, but not an absolute rule when reviewing proposed building Improvements.

### 3. ARCHITECTURAL DESIGN

#### 3.1. Architectural Style.

The intent of the Architectural and Design Guidelines is to encourage the excellent design of a community of individual residences which, when viewed together, produce an outstanding total community environment. It is not the intent of the Architectural and Design Guidelines to dictate a particular architectural style, but rather to provide Lot Owners, architects and builders with a set of guidelines that will foster an attractive community.

The residential architecture at Falls Cove should be custom-designed for each Lot to maximize the natural features of the Lot. Traditional architectural styles are preferred as the basis or foundation of the design. However, contemporary interpretations of traditional designs are acceptable, provided they adhere to the criteria of the Architectural and Design Guidelines. The designs employed shall be compatible with traditional architectural styling in terms of make, shape, profile, scale, and proportion.

The residential architecture at Falls Cove will be built in the style known as **SOUTHERN ARTISAN**. The “*Southern Artisan Architectural Vision*”, available under separate cover, will serve as the basis for establishing and communicating the “Southern Artisan” architectural style. Practical and compatible interpretations of this style are desirable and encouraged. Mediterranean, Floridian, Contemporary/Modern, and other incompatible styles will not be approved by the ACC.

#### 3.2. Quality Design Features.

The homes in Falls Cove should reflect the individuality of their Owners while adhering to the principles of fine architecture. The following considerations are among those to be addressed when developing the architectural design for Improvements to be constructed on a Lot:

- 3.2.1. The residence shall be located on the Lot with minimum disruption to the natural topography, vegetation, and unique site features.
- 3.2.2. There shall be a consistency in the site planning, architecture, and Landscape Improvements.
- 3.2.3. Sensitive interpretation of the architectural

style is encouraged within the constraints of budget and site.

- 3.2.4. Specific features of the architectural style shall be well developed and carefully detailed. The features should be researched to ensure a certain degree of historic authenticity.
- 3.2.5. A consistent scale shall be used throughout the design of the residence and other Improvements, with each element designed in proportion to the other design elements.
- 3.2.6. The various building materials shall allow for a pleasing and harmonious exterior appearance for the residence and other Improvements. Building materials shall be used logically.
- 3.2.7. Appropriate colors shall be used, and colors shall be used with restraint.
- 3.2.8. The main dwelling entrance shall be located in a position of prominence that is reflected in the design of the facade. The main entry shall be sheltered on the exterior and shall include attractive front entrance treatment such as French doors with or without sidelites. The main entry shall contain more architectural detail than other openings and entries but all openings and entries shall be consistent in styling.
- 3.2.9. 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.
- 3.2.10. Bay windows shall be carried down to grade or visual support of any cantilevered conditions must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.
- 3.2.11. Masonry or stucco used as a veneer material on the facade of a residence shall continue around the front corners of such residence to a logical point of termination. The use of combinations of exterior materials is not encouraged. Each proposed residence of this type will be carefully reviewed on an individual basis by the ACC.

- 3.2.12. No roof shall extend continuously to cover both single and two-story sections of a residence. The primary objective of this architectural guideline is to avoid the appearance of a single-story facade with a two-story rear elevation.
- 3.2.13. The main roof shall have a minimum slope of eight (8) vertical to twelve (12) horizontal. Shed roof forms are discouraged. Roof shapes and configurations shall be planned to avoid complex, awkward, or odd roof designs.
- 3.2.14. Gutters and downspouts shall be used at all eave lines, unless deemed inappropriate. All exterior downpipes (except copper downpipes) shall blend with the color of the exterior walls of the residence. In cases where a high contrast exists between gutters/fascia and the exterior wall material, downpipes shall be painted to be compatible with the wall color to avoid conspicuous contrast.
- 3.2.15. All roof structures, such as attic vents, plumbing vents, etc., shall be treated or painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.
- 3.2.16. All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric meters and main fuse boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved Landscape Improvements and/or screening.
- 3.2.17. Exposed electrical equipment, stubouts, conduit, drain lines, pipes and vents must be painted to match the color of the home. Exterior disconnects for air conditioning equipment, etc. shall be mounted at the lowest point allowed by applicable building codes.
- 3.2.18. Gas meters must be adequately screened with Landscape Improvements to conceal equipment from view.
- 3.2.19. See the ACC Window Detail Guide (Schedule R)

**4. DESIGN CRITERIA**

4.1. Dwelling Types.

Each Lot may contain only one detached single-family private dwelling and one private garage for not less than two (2) vehicles and only such other accessory structures as are approved in advance in writing by the ACC. Provided, however, Falls Cove Development, LLC shall be entitled to use Lots owned by it from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for the Falls Cove project.

4.2. 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, porte-cocheres and unheated storage areas, decks and patios.

Any Dwelling Unit erected upon a Lot having an area of less than one (1) acre (43,560 square feet) shall contain not less than the following heated floor areas:

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1 Story	2,000	2,000
1 <sup>1</sup> / <sub>2</sub> story, split level, tri-level and others	2,200	1,200
2 story, 2 <sup>1</sup> / <sub>2</sub> story	2,200	1,200

Any Dwelling Unit erected upon a Lot having an area of one (1) acre (43,560 square feet) or more shall contain not less than the following heated floor areas:

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1 Story	2,200	2,200
1 <sup>1</sup> / <sub>2</sub> story, split level, tri-level and others	2,500	1,800
2 story, 2 <sup>1</sup> / <sub>2</sub> story	2,400	1,400

Notwithstanding the foregoing requirements, the ACC shall have the right (but not the obligation), because of restrictive topography, Lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

#### 4.3. Maximum Dwelling Height.

No dwelling erected upon a Lot shall contain more than two and one-half ( $2\frac{1}{2}$ ) stories above main entry ground level; provided, however, the ACC shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow dwelling heights greater than two and one-half ( $2\frac{1}{2}$ ) stories on rear and side elevations.

#### 4.4. Ceilings.

Interior ceiling heights in dwellings constructed on Lots are recommended to be a minimum of nine (9) feet on the first (i.e., street grade) floor and a minimum of eight (8) feet on all other floors.

#### 4.5. Garages.

Every house shall have an enclosed garage for not less than two (2) vehicles. Garage openings may not face the front elevation street unless approved in advance in writing by the ACC; and such approval will be given by the ACC only where particular hardship would otherwise result because of Lot size, configuration, topography, or other circumstances deemed sufficient by the ACC.

The placement of garages and driveways has a great effect on the overall aesthetics of the street scene and on the architectural appeal of each specific residence. A street scene with emphasis on residences instead of garages and driveways is more visually interesting. For that reason, certain garage placements on a Lot are discouraged.

Side entry attached garages on corner Lots are acceptable as long as architectural details are provided to avoid an overwhelmingly blank side facade. Also, landscape screening shall be required to minimize the view of garage doors from the street.

Garage doors are required for all garages, and the garage doors must be paneled and/or detailed to provide appropriate scale. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width garage doors. Carports shall not be allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side entry garages, adequate screening of the garage opening and the garage doors must be provided (to minimize the view of the garage opening and the garage doors from the street) by the use of either Landscape Improvements, a wall, fencing, or a combination of these elements. The garage turnaround area must provide a minimum twenty-four (24) foot back-up distance, with an additional two (2) foot buffer between the edge of the driveway and the Lot boundary line [i.e., there must be a total minimum distance of twenty-six (26) feet between the garage opening and the adjacent side Lot boundary line].

The driveway slope on a Lot shall not exceed a fourteen percent (14%) grade. As set forth above, the driveway shall be located on each Lot within the area designated therefor by the ACC on the unrecorded plat that also depicts the Building Envelope for such Lot.

#### 4.6. Exterior Materials and Colors.

Exterior materials shall be brick, stucco, stone, cedar shake, or, if approved in advance in writing by the ACC, horizontal siding. If approved by the ACC, the horizontal siding used must be fully back-supported to maintain a straight and even outer surface and must be fully and properly finished. Natural weathering of exterior wood materials is not desired. Imitation stone or brick-like materials are generally discouraged and may be used only upon prior written approval of the ACC. The ACC reserves the right to require builders to produce sample boards of colors if they are not on file with the ACC.

If there is a change of material from front to side, front veneer material must be wrapped to cover 24" of the adjoining side. The practical exception to this would be a cedar shake and lap siding combination. Architectural features such as quoin-corners are encouraged.

#### 4.7. Roofs.

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 ACC, the minimum roof slope for the main house structure shall be eight (8) vertical to twelve (12) horizontal. Acceptable roofing materials are (i) wood shingles, (ii) wood shakes, (iii) natural or man-made slate, (iv) tile or (v) minimum twenty-five (25) year warranty, variegated (or solid) color, dimensional architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing by the ACC as part of the final Building Plans and Specifications prior to commencement of construction.

Roof vents, roof power vents, plumbing vent pipes and skylights will not be permitted on roofs visible from any street, unless approved in advance in writing by the ACC. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.

Eave lines shall align whenever possible. Eaves and rakes shall be accented by multiple fascia boards, cove and crown moldings or gutters.

#### 4.8. Windows and Shutters; Doors.

Windows shall generally be the same type and style all around the house. Thermal pane windows are

preferred, and exterior storm windows generally will not be permitted. Wood windows are preferred; however, vinyl windows will be considered, provided the style and profile are visually similar to wood windows. All windows with the exception of non-conventional sizes (transoms, bathroom windows) shall have mullion grids. Mullions, as a required aspect of each home by this Section 4.8., must be permanently affixed within each window. "Snap-in" or similar removable types of mullions should not be installed under any circumstances. Shutters are encouraged, shall fit the proportion and shape of the windows and, if used at all, shall be used for all windows on elevations that are visible from the Roadway(s). Unless specifically waived in writing by the ACC, all windows and doors shall have caps of soldier course brick jack arches, wood caps or other approved decorative treatment, and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board. If decorative molding (e.g. dentil molding) is desired, it shall be run in a consistent manner around the perimeter of the home. Gables may be exempted from this (See Schedule R).

#### 4.9. Chimneys.

Chimneys shall be full foundation based and constructed of brick, stone, stucco or other material approved in writing in advance by the ACC. Chimneys shall have a design and location, and shall be constructed of a material that is appropriate to the house. Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues. Direct vent fireplaces are discouraged if the location is a side elevation; and direct vent fireplaces shall not be permitted on a front elevation or on any elevation that is visible from the Lake. The exterior boxing of direct vent systems may only be visible from the rear elevation, and are required to be capped with a small shed roof. The boxing may not exceed the height of the bottom story of the house.

#### 4.10. Foundations.

Unless specifically waived in writing by the ACC, all foundations must be raised with a minimum two (2) foot high crawl space, and slab-on-grade foundations generally will not be permitted, except for garages, patios and unheated porches.

#### 4.11. Porches and Decks.

Porches and decks shall be designed with substantial, well proportioned railing, flooring and support posts meeting applicable building code requirements. Porches and decks shall blend with the style and material of the house (e.g., stucco deck fascia and piers with stucco house, or brick piers with a brick house). Deck support columns that are 5' or more in height from finished grade must be constructed with the material of the house. Porch and deck support columns constructed of masonry shall be 12" x 12", and porch and deck support columns constructed of wood shall

be 6" x 8" (with base and capital detailing). One-story decks shall be appropriately screened with lattice and/or sufficient Landscape Improvements. (See Figure 4.11.1). Under no circumstances may porch and deck support columns be constructed of the 4' x 4' material.

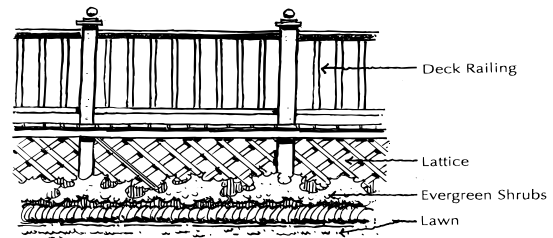


Figure 4.11.1 - Deck Foundation/Perimeter Planting

#### 4.12. HVAC Equipment.

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Additionally, air conditioning and heating equipment and apparatus shall be screened from view from streets and the waterfront by Landscape Improvements, as more particularly provided in the Landscape Guidelines herein.

#### 4.13. Attachments; Satellite Dishes and Antennae.

No permanent attachment of any kind or character whatsoever (including, but not limited to, television and radio antennae, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building on any Lot or otherwise placed or maintained on any Lot, unless such attachments or devices are approved in advance in writing by the ACC. Notwithstanding the above to the contrary, one satellite or microwave dish may be installed within the rear yard of the Building Envelope of any Lot, provided such satellite or microwave dish does not exceed eighteen (18) inches in diameter and is properly screened from view. The location and screening of the satellite or microwave dish must be approved in writing by the ACC prior to installation (See Schedule N).

Satellite dishes and play ground equipment placement shall be reviewed and approved by the ACC if they are to be placed within the "drainfield envelope" or over any tankage area. Absolutely no concrete footings or anchoring will be allowed within these same areas without the approval of the ACC.

#### 4.14. Mail and Newspaper Boxes; House Numbers.

All mail and newspaper boxes must be of a standard color, size and design as approved by the ACC and shall be installed only in a location as approved by the ACC. A standard mailbox (see Schedule Q) will be included in the price for each Lot by Falls Cove Development, LLC. Once compliance with the landscape guidelines has been

verified, then the mailbox will be ordered from the supplier. The builder or Lot Owner shall be responsible for the cost of installation.

The mailbox shall be located on either side of the driveway, preferably on the side closest to the side Lot boundary line. Neither the Falls Cove Property Owners Association Inc., nor Falls Cove Development, LLC will be responsible for damage to mailboxes by errant drivers, including construction traffic.

4.15. Pools, Therapy Pools and Spas.

ACC approval is required prior to installation of a pool (see Schedule M). The size, shape and setting of pools (including standard swimming pools, therapy pools and spas) must be carefully designed to be compatible with the surrounding natural and man-made environment. In locating swimming pools, therapy pools and spas, the following shall be considered:

- 4.15.1. Indoor/Outdoor relationship;
- 4.15.2. Setbacks imposed by the applicable Building Envelope;
- 4.15.3. Views both to and from the pool area;
- 4.15.4. Terrain (grading and excavation); and
- 4.15.5. Fencing and privacy screening.

Pools, decks and related equipment will not be allowed outside of the Building Envelope area. Provided, however, pool decks may encroach into the setback area imposed by the Building Envelope on Lots that are not contiguous with the waterfront of the Lake. If such deck is either at or within two (2) feet of natural grade and no closer than twenty (20) feet to any Lot boundary line. No such encroachment of pool decks into the setback area imposed by the Building Envelope shall be permitted pursuant to the immediately preceding sentence on Lots that are contiguous with the waterfront of the Lake. Decks, pools and spas shall not be placed within fifteen (15) feet of any component of any Septic System. Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail. Pools, decks and related equipment and pool and pool equipment enclosures shall be screened or treated so as to avoid distracting noise and views.

Due to Septic System locations, not all houses within Falls Cove will have room to place a pool. In all cases, the pool must be within the Building Envelope and behind the structure of the home. From time to time, the ACC may consider a pool in another location, but only if significant hardship prevents an Owner from siting the pool behind the house, and any affected neighboring property Owner has no objection.

4.16. Exterior Lighting.

Exterior lighting (which must be approved by the ACC as part of the Building Plans and Specifications) must be limited to areas within the Building Envelope (unless otherwise approved in writing by the ACC), must not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ACC in its sole discretion.

4.17. Intentionally Omitted.

4.18. Play Equipment.

Unless elements of a planned park or playground, swing sets, trampolines, basketball goals, and similar outdoor play structures and equipment must be located where they will have a minimum impact on adjacent Lots and where they will be screened from general public view. Such play equipment on Lots contiguous with the waterfront of the Lake shall be located in the middle of the Lot unless waived in writing by the ACC, and no play equipment may be located within fifty (50) feet of the 760 contour on Waterfront Lots.

All play equipment must have ACC approval before being erected (See Schedule N). All play equipment must be of earth tone colors, i.e. dark greens, browns, tans. Bright, eye catching colors will not be permitted. In addition, all play equipment and or play sets must be screened from public view by landscaping approved by the ACC. All play equipment must be placed within the Building Envelope and placed outside of any drainage areas so the equipment does not inhibit overland water flow and runoff.

Basketball goal backboards must be constructed of clear, see-through material. Solid colors will not be allowed. The basketball goal post must be located in the rear 50% of the yard, as measured from the mid-point of the dwelling on the side that the goal is to be constructed. In addition, the goal should not face the street. See Figure 4.18.1 and 4.18.2.

ACC approval for playsets and basketball goals is considered rescinded in the event that a home is sold. The new homeowner must resubmit for playset approval upon occupation of the home. The practical exception to this, is if the original approved playset is sold with the home, and remains in the same location as originally approved.

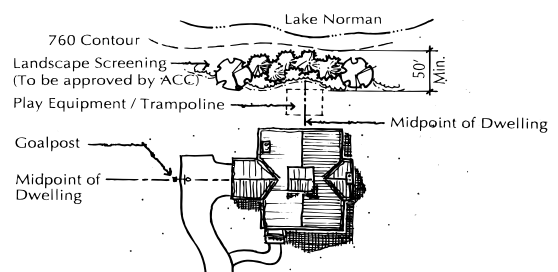


Figure 4.18.1 - Play Equipment Location

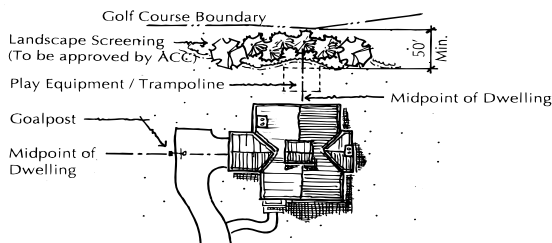


Figure 4.18.2 - Play Equipment Location

Trampolines must be located in the rear 50% of the yard, as measured from the mid-point of the dwelling on the side that the trampoline is to be installed. In addition, the trampoline should not face the street.

#### 4.19. Fences and Walls.

Walls and fences shall be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the Lot. All wall and fence designs shall be compatible with the total surrounding environment. Special consideration must be given to design, placement, impact and view of the wall or fence from neighboring Lots. Fences and walls shall be considered as design elements to enclose and define courtyards, pools, and other private spaces, provide security and relate building forms to the landscape. Fences and walls must be run or curved where practical between existing trees to avoid unnecessary cutting of existing trees. The location, materials, size and design of all fences and walls must be approved in advance in writing by the ACC prior to installation.

Privacy fences or walls which inhibit visibility (i.e., whether a solid masonry wall or wood fence) are permitted in certain areas of the Falls Cove community. For all Lots, privacy fences and walls which provide total seclusion generally will be allowed to enclose the unused rear Building Envelope area inside the required setbacks. For Lots that are contiguous to the Lake, the unused rear Building Envelope area is the only area which can be enclosed by a privacy fence or wall. For side walls that are not used as retaining walls, there must be a minimum of 2' buffer between wall and lot line for landscape purposes.

Fences and walls shall be constructed of solid masonry or wrought iron with columns, using the same materials as found in the architecture of the residence. Prefab wood, prefab brick, chain link (except for approved tennis court fencing), or welded wire fencing will not be permitted. Wood privacy fences must have masonry columns finished in brick, stucco or stone. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material(s) will be the only approved fence or wall design and material(s) that may be erected on that common Lot line. No double fencing will be allowed on side or rear Lot lines.

No fence or wall (including for this purpose densely planted hedges, rows or similar landscape barriers) shall

be erected, placed or maintained on any Lot nearer to any Roadway fronting such Lot than the front building corner of the main dwelling constructed on such Lot (unless otherwise approved in advance in writing by the ACC). No fence or wall shall be erected, placed or maintained on a Lot in a location that will substantially obstruct views of any lake or pond within the Common Areas of the Falls Cove community. Enclosure fences or any fence system designed for pet enclosures that are smaller than the total rear yard area shall not be permitted. Fences and walls shall not exceed six (6) feet in height, except fences enclosing approved tennis courts may be up to ten (10) feet in height if located at least twenty-five (25) feet from all Lot boundary lines.

Alterations of Lot elevations and grades which create the need for retaining walls shall be the responsibility of the altering party. Specifically, any Owner creating an earthen "cliff" over 12 inches in height on common Lot lines due to their desired grading practices shall be responsible for designing and building a retaining wall. However, there may be some instances in which a wall is not warranted, e.g. the adjacent Owners may alter their grade to match when they begin construction or; it is agreed upon by the parties involved that a transition slope can be created between the two properties in lieu of a wall, depending on side yard setbacks, driveway locations, and "cliff" height.

It shall be the responsibility of the altering Owner (the Owner creating the situation due to their grading practices) to identify and contact all parties involved and affected to facilitate negotiations and arrive at an agreed upon solution. This shall include all affected unsold Lots belonging to Falls Cove Development, LLC, of which a representative will be available for negotiations.

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins. Cross-tie timber walls may be used for retaining walls if set apart from the residence.

Fences and walls shall not be located within ten (10) feet of any Septic System component.

Fences shall not be located within ten (10) feet of the 760' contour and cannot be light in color.

#### 4.20. Outbuildings / Accessory Structures.

The construction and location of outbuildings (gazebo, potting shed, storage shed, statues, gates, playhouses, etc.) shall be subject to the review and approval of the ACC (See Schedule N). All outbuildings / accessory structures must be attached to the house. Conditions of the site and faithfulness to the architectural themes indicate the logic for an outbuilding related to the house. Their design and location in relationship to the house is essential. Building materials should reflect those of the main house. Wherever possible, buildings should be oriented so that access is indirect and their opening does not face the street.



**Plans and architecture of outbuildings shall be submitted to the ACC for review and approval, prior to being shown on landscape plans. Approval of the landscape plans does not constitute approval of any outbuildings.**

#### 4.21. Remodeling and Additions.

A Lot Owner desiring to remodel existing Improvements and/or to construct additions to existing Improvements is required to follow the Guidelines to the same extent as if such remodeling or addition were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscape, colors and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ACC are skylights and solar collectors, recreational features, lighting, antennas and satellite television and new colors. An approval from the ACC is required for remodeling and additions just as it is for new construction (See Schedule N). Placement of an addition shall remain ten (10) feet outside of any Septic System component.

As set forth in Sections 1.08 and 8.12 of the Declaration, the board of directors of the Falls Cove Property Owners Association, Inc. (the "Board") may appoint a committee (the "Architectural Review Committee") to review plans and specifications for any and all renovations, changes and additions to Improvements on Lots. Any Architectural Review Committee appointed by the Board shall be separate and apart from the ACC, and with regard to renovations, changes and additions to Improvements on Lots, the Architectural Review Committee shall have all rights and powers reserved to the ACC in the Guidelines.

#### 4.22. Additional Exterior Improvements.

Any additional Improvements not specifically addressed within these Guidelines, are subject to ACC approval. Please use the enclosed Miscellaneous Request for Review Form (Schedule N) for any additional exterior Improvements not specifically addressed within the Guidelines.

### **5. MISCELLANEOUS MATTERS**

#### 5.1. Diligent Construction.

All Improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction (i.e., commencement of grading) of the first of such Improvements, unless a longer time is approved in writing by the ACC.

All Waterfront Improvements (including dock & pier, and shoreline stabilization) shall be completed in a time frame approved by the ACC at final approval of Improvements. If construction activity ceases for a period of thirty (30) days, area is to be stabilized to the ACC's satisfaction.

#### 5.2. Guild Builders.

Except as otherwise specifically allowed under Section 5.3 herein or by the ACC, only builders then in good standing under the Falls Cove Guild Builder Program (collectively, "Guild Builders"; each, a "Guild Builder") may serve as the general contractor/builder for the construction of Improvements on any Lot. Upon request, the ACC will make available to any Lot Owner a list of the then-current Guild Builders. To qualify as a Guild Builder, a builder must satisfy certain criteria and requirements established by the ACC and Falls Cove Development, LLC. However, the criteria and requirements established by the ACC and Falls Cove Development, LLC for a builder to qualify as a Guild Builder are solely for the protection and benefit of the ACC and Falls Cove Development, LLC and are not intended to, and shall not be construed to, benefit any Owner or any other party whatsoever. The ACC and Falls Cove Development, LLC make no representation, express or implied, to any Owner or any other party whatsoever with regard to the Guild Builders (which, for the purposes of this Section 5.2 shall include all subcontractors and suppliers of Guild Builders), including, without limitation, the existence, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the Guild Builders from time to time, the solvency or financial status of the Guild Builders from time to time, the nature and amount of any bonds that may be maintained by the Guild Builders from time to time, the performance (or the ability to perform) by the Guild Builders of their contractual obligations or other legal duties or obligations (including any contractual obligations of any of the Guild Builders in favor of any Owner or any other party whatsoever), the Guild Builder's qualifications and ability to construct a particular type of house or other structure to any particular standard or level of quality, the use by the Guild Builders of any substance or material, including, without limitation, any stucco or synthetic stucco material, the compliance by the Guild Builders with building codes and other requirements, rules, laws and ordinances of federal, state and local governmental and quasi-governmental bodies and agencies relating to the construction of homes and other activities engaged in by the Guild Builders from time to time, the compliance by the Guild Builders with any licensing requirements imposed by federal, state and local governmental and quasi-governmental bodies and agencies from time to time, including without limitation, the maintenance of any required builder's and/or contractor's license, or the failure or alleged failure of any Guild Builder to comply with any industry standard or any other reasonable standard or practice with respect to such Guild Builder's work or materials used in the construction of houses and other activities engaged in by the Guild Builder at Falls Cove. Furthermore, neither the ACC nor Falls Cove Development, LLC, nor the officers, directors, members, employees, agents or affiliates of either of them, shall have any responsibility whatsoever for any sum that any Owner or any other party may deposit with a Guild Builder, including, without limitation, any earnest money or other deposit that any Owner may deliver to a Guild

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Builder. The selection of a Guild Builder by an Owner shall be conclusive evidence that such Owner is independently satisfied with regard to any and all concerns such Owner may have about the Guild Builder's work, product, and/or qualifications. Owners shall not rely on the advice or representations of the ACC, Falls Cove Development, LLC or the officers, directors, members, employees, agents or affiliates of either of them in that regard.

### 5.3. Intentionally Omitted.

### 5.4. Purpose and Use of Landscape/Construction Escrow Deposit.

The Landscape/Construction Escrow Deposit that is required to be paid to the ACC by each Lot Owner pursuant to Section 1.5 herein shall be deposited by the ACC in an escrow account. The Landscape/Construction Escrow Deposit paid by an Owner may thereafter be used by the ACC for any of the following purposes:

5.4.1. To pay for the cost to repair any damage to the Roadways or Common Areas in Falls Cove caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder or subcontractors.

5.4.2. To complete any Landscape Improvements shown on the approved final Landscape Plans and Specifications for such Owner's Lot, if and to the extent such Landscape Improvements have not been completed within three (3) months after completion of the residence on such Lot.

5.4.3. To pay for the cost of completing any Improvements so that they are in accordance with the approved final Building Plans and Specifications, if and to the extent the Owner fails so to complete such Improvements consistent with the terms of the Guidelines and the Declaration.

5.4.4. To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by the Owner in violation of the Guidelines.

5.4.5. To reimburse Falls Cove Development, LLC or the Falls Cove Property Owners Association, Inc. for the Owner's share of street cleaning costs during construction, if the Owner does not pay such amounts to Falls Cove Development, LLC or the Falls Cove Property Owners Association, Inc. in a timely manner as specified in the Construction Rules.

5.4.6. To reimburse Falls Cove Development, LLC or the Falls Cove Property Owners Association, Inc. for the cost of cleaning up any significant amount of dirt, cement, or debris left by the Owner or by the Owner's builder or subcontractors on any street, if and to the extent such materials and debris is not immediately

removed by the Owner or the Owner's builder or subcontractors.

5.4.7. To pay for the cost of enforcing any of the Owner's other obligations under the Guidelines or the Declaration.

5.4.8. To pay any other costs, fines or expenses which, by the express terms of the Guidelines, may be deducted from the Landscape/Construction Escrow Deposit.

Except for the reimbursements described in Section 5.4.6 above and except for the application of the Landscape/Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ACC shall give an Owner prior notice that the ACC intends to use such Owner's Landscape/Construction Escrow Deposit for a particular purpose. Such Owner thereafter shall have five (5) days from the date of the notice to complete the performance that is required and for which the ACC intended to use such Owner's Landscape/Construction Escrow Deposit or, if the performance cannot be completed during that time, to begin the performance and to thereafter diligently pursue such performance to completion. Upon the completion of all Improvements and all Landscape Improvements and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Declaration, the ACC shall return to such Owner the unused portion (if any) of such Owner's Landscape/Construction Escrow Deposit.

### 5.5. Domestic Wastewater Disposal.

The Falls Cove community has two fundamental methods of domestic wastewater disposal. A portion of the community is served by municipal sewer. The rest of the community will utilize individual Septic Systems. In principal, it is planned that the Streamwood neighborhood of Falls Cove will be served by Town of Troutman municipal sewer, and The Parkwood neighborhood of Falls Cove will utilize individual Septic Systems. As the community grows, this division may not be as clear, or may change. If your Lot was issued a preliminary septic permit by Falls Cove Development, LLC at the time of original Lot closing, and it does not have a sewer box located along the front of the Lot, then it will utilize an individual Septic System. All Lots with an individual Septic System are required to participate in the Septic System Installation and Maintenance Program administered by the Falls Cove Property Owners Association Inc., and implemented and maintained by Tri-County Wastewater as described herein.

#### 5.5.1. Individual Septic System Lots.

Each Septic Lot will have its own Septic System that has been designed specifically for that Lot. The types of individual systems and their designated placement have been predetermined by a North Carolina registered soil scientist along with the Iredell County Department of Environmental Health. Each Septic Lot has a planned initial primary system and a designated

area for a repair system.

Some Septic Lots will utilize a gravity method of sewage disposal to their drainfield areas, while others may utilize an effluent pump system to "lift" the wastewater to the specific drainfield area for disposal. The Owner of each Septic Lot shall be responsible for becoming familiar with their system and its location. The Septic Lot Owner shall always use "best efforts" to protect and extend the life of their system by using good household habits as suggested within the contents of the separate issued document titled "Falls Cove Septic System Information for Builders and HomeOwners."

The builder shall contract with a reputable septic system contractor that is authorized by Iredell County Environmental Health Department to do business in Iredell County. A current "Featured Installer" list of certified installers trained on the rigid specifications required at Falls Cove is available from Tri-County Wastewater Management. Specifications for the installation of Septic Systems are detailed under the separate cover "Falls Cove Septic System Installation Specifications" as issued to the builders by Falls Cove Development, LLC. These specifications exceed the minimum requirements set forth by the rules and regulations of the State of North Carolina. Inspections are required periodically by both Iredell County Environmental Health Department and Tri-County Wastewater Management. Details on these inspections can be found in the aforementioned separate cover. Also see Section 2.6 of these Guidelines. Drainage and Erosion Control for drainage and grading in and around septic drainfields.

### 5.5.2. Installation and Maintenance Program.

An installation and maintenance program has been implemented by Falls Cove Development, LLC to ensure a quality and controlled Septic System environment. Tri-County Wastewater Management, is the management company overseeing the Septic System program for Falls Cove. Additional information concerning any issue of construction affecting any Septic System can be received by contacting:

Tri-County Wastewater Management  
P.O. Box 1830  
Indian Trail, NC 28079

704.821.8841  
Contact person: Tim Bannister

The maintenance on the Septic Systems at Falls Cove will be performed by Tri-County Wastewater Management under a maintenance plan administered by the Falls Cove Property Owners Association, Inc. All applicable homes of Falls Cove shall be required

to participate in the Septic System maintenance program. Details of the maintenance program can be found under separate cover titled "Falls Cove Septic System Information for Builders and Home Owners".

Failure to comply with any of the referenced Septic System program guidelines or specifications by the builders or their contractors shall result in their being liable for noncompliance and fines that may be imposed by Falls Cove Development, LLC or the Falls Cove Property owners Association, Inc.

### 5.5.3 Required Practices.

The septic drainfields (the "Septic Areas") of each Lot in Falls Cove have been reviewed and the location predetermined by a soil scientist and the Iredell County Environmental Health Department in a Preliminary Septic Permit for each Lot. These Septic Areas are sensitive to pedestrian and vehicular traffic, and must be protected from such activity to ensure the proper performance of the Septic System. Misuse of the Septic Areas may compact the soil of the Septic Areas, and therefore inhibit the viability of, as well as permanently damage, the Septic System.

The Falls Cove Property Owners Association, Inc. and the ACC require the following in regards to the Septic Area:

1. Prior to Commencement of Construction, All Septic Areas are to be wrapped with blaze -orange barrier fencing
2. Clearing of the Septic Areas should be carried out by, or under the direction of a septic installer. Septic Areas may not be cleared when the ground is saturated and/or during times of precipitation.
3. Storage of any kind of materials within the Septic Areas is absolutely prohibited.
4. Under no circumstances whatsoever may vehicular or pedestrian traffic traverse, infiltrate, or otherwise utilize the Septic Area.
5. See Section 8.4, Tree Removal in drainfield envelope.
6. All utility lines shall be located a minimum of 10 feet outside of the Septic System drainfield envelope.
7. All septic apparatus, including inspection and clean-out ports, will be cut flush to the ground upon completion of landscaping.
8. If the drainfield is slated to be installed on an off-site Septic Easement Area (common open space), then the builder shall be responsible for clearing any trees in the Septic Easement Area. All clearing shall be minimized as much as possible. The builder shall also be responsible for ensuring that the Septic Easement Area is left in a maintainable state, including proper fine

grading as well as seeding and strawing. Once the seed has germinated and a good stand of grass is present, the Falls Cove Property Owners Association, Inc. will accept the Septic Easement Area for ongoing landscape maintenance. Failure to establish a maintainable Septic Easement Area, will result in the builder being charged for the cost of bringing the Septic Easement Area into compliance, at the sole discretion of the Falls Cove Property Owners Association, Inc.

The Falls Cove Property Owners Association, Inc. may, in its sole discretion, levy fines, or other penalties as may be deemed necessary, for failure to abide by the provisions contained within this Section 5.5.

#### 5.6. Notices.

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be given in compliance with the requirements of this section.

5.6.1. Each notice shall be in writing.

5.6.2. Any notice to be given to the ACC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery (such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ACC. The address of the ACC for delivery of notices hereunder shall be as follows:

Falls Cove  
Architectural Control Committee  
c/o The Farms  
~~106 Kapp Place~~ 11104 Limehurst Place  
~~Mooresville, North Carolina 28117~~  
Charlotte, NC 28278

A copy of each notice shall be mailed to Falls Cove Development, LLC (via certified or registered mail, return receipt requested) at the following address:

Falls Cove Development, LLC  
~~160 Wagner Street~~  
~~P.O. Box 765~~ 11104 Limehurst Place  
~~Troutman, NC 28166~~  
Charlotte, NC 28278

5.6.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the ACC's office or when delivered to the Owner's address by regular U.S. Mail Service (such delivery being presumed to have occurred on the second (2nd) day following the deposit of such notice by the ACC in the U.S. Mail). The address of an Owner shall be as set forth in the Owner's submittal of preliminary Building Plans and Specifications, or, if different, then as set forth in the Owner's submittal of final Building Plans

and Specifications.

5.6.4. Either the ACC or an Owner may change its address for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address to be given to the other party in accordance with this Section 5.6.

## LANDSCAPE GUIDELINES

### 6. GENERAL LANDSCAPE MATTERS

#### 6.1. Goals and Objectives.

These Landscape Guidelines have been prepared for use by all Lot Owners and their builders, contractors, architects and landscape architects who are involved in making site improvements to Lots in the Falls Cove community. Adherence to the Landscape Guidelines by all such parties will help ensure the continued success of Falls Cove as a premiere residential community. Extensive time and resources have been, and will continue to be, invested to create a high quality living environment at Falls Cove. The Landscape Guidelines, implemented in concert with the Architectural Design Guidelines and the Construction Rules (which are the other two primary components of the Guidelines), will help assure that the foregoing objectives will be realized. The overall success of the Falls Cove community is dependent, in large part, on the coordination of Landscape Improvements (as defined herein) and architectural improvements. A Glossary of Terms for a number of terms used in the Landscape Guidelines is attached hereto as Schedule G and is incorporated herein by reference and a Recommended Plant List that were used in the preparation of the Landscape Guidelines are attached hereto as Schedule H-1 and H-2, respectively.

The specific objectives of the Landscape Guidelines are to:

6.1.1. Provide all Owners with the minimum standards for the installation of Landscape Improvements and associated site Improvements within Lots at Falls Cove.

6.1.2. Establish criteria to ensure visual continuity in the Landscape Improvements at Falls Cove, exemplary of the design excellence for which Falls Cove is known.

6.1.3. Present clear, concise, and enforceable guidelines for the installation and maintenance of Landscape Improvements at Falls Cove.

#### 6.2. "Landscape" and "Landscape Improvements" Defined.

For the purposes of the Guidelines, and to distinguish landscape elements from other site structural elements (which are covered by the separate Architectural and Design Guidelines), "Landscape" shall be deemed to be the combination of existing and introduced plant material

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and all of the land area within each Lot located outside the boundaries of the building perimeter of the house. As used in the Guidelines, "Landscape Improvements" include, but are not limited to, trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches, irrigation and landscape lighting systems, and similar existing and introduced Improvements.

### 6.3. Septic System Matters.

Builders and landscape contractors shall become familiar with the layout and installation of any Septic System components and drainfield envelope requirements prior to performing any work in these designated areas. This information can be found under separate covers titled, "Falls Cove Septic System Installation Specifications" and "Falls Cove Septic System Information for Builders and HomeOwners" as issued to the builders by Falls Cove Development, LLC. Additional information can be received by contacting Tri-County Wastewater Management at 704-821-8841.

Failure to comply with these Guidelines, by the builders or their contractors, resulting in damage to any Septic System or its components shall result in their being liable and bear all responsibility for repair costs and/or fines imposed by Falls Cove Development, LLC or the Falls Cove Property Owners Association, Inc.

## 7. PROCEDURES AND APPROVALS

### 7.1. Landscape Review Process.

Prior to the commencement of any Landscape activity of any type (excluding any grading or similar site work encompassed by the Building Plans and Specifications) on any Lot, an Application for Landscape Plans and Specifications Approval (the form of which is attached hereto as Schedule C) must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under the section herein entitled "Final Landscape Plans and Specifications Review Procedure" prior to the commencement of any such Landscape work.

### 7.2. Design Review Procedure.

The successful completion of the Landscape review process under the Landscape Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Landscape Guidelines and by reviewing and following the Landscape review procedure described herein.

The Landscape Plans and Specifications Review Application, the Landscape Plans and Specifications and all other materials necessary for the ACC to review the Landscape Plans and Specifications shall be sent to:

Falls Cove  
Architectural Control Committee  
c/o The Farms  
~~106 Kapp Place~~ 11104 Limehurst Place  
Mooresville, North Carolina 28115  
Charlotte, NC 28278

### 7.3. Review of Preliminary Landscape Plans and Specifications.

The ACC encourages Lot Owners and builders who are building in the Falls Cove community to participate in the preliminary Landscape Plans and Specifications review process. Although not required, the preliminary Landscape Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Landscape Plans and Specifications review process. Each Lot Owner may, at such Lot Owner's discretion, submit preliminary Landscape Plans and Specifications to the ACC at the time final Building Plans and Specifications for the Lot are submitted to the ACC (as contemplated in the Architectural and Design Guidelines). Four copies of the plan are to be submitted, along with a completed Schedule C form.

The ACC shall review the preliminary Landscape Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Landscape Plans and Specifications that are marked "Approved" by the ACC, final Landscape Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Landscape Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Landscape Plans and Specifications.

The ACC may refuse to approve preliminary Landscape Plans and Specifications, or any component(s) thereof, for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

### 7.4. Final Landscape Plans and Specifications Review Procedure.

The submittal of final Landscape Plans and Specifications must incorporate all of the elements described herein as being required as part of the final Landscape Plans and Specifications submittal. It is critical that final Landscape Plans and Specifications (and the other required documentation, as described above) be submitted to the ACC for review in a timely manner. In that regard, four (4) complete sets of the final Landscape Plans and Specifications and a completed Schedule C form for each Lot must be submitted to the ACC with the final Building Plans and Specifications. Lot Owners and/or Guild Builders submitting final Landscape Plans and Specifications after the final Building Plans and Specifications have been submitted will receive a written request for the final Landscape Plans and Specifications from the ACC. Beginning on the thirtieth (30th) day following

the date such written request is sent by the ACC to such Lot Owner and/or Guild Builder, funds will be withheld from the Landscape/Construction Escrow Deposit (as defined in the Architectural and Design Guidelines) at the rate of \$50.00 per day; and such funds that are withheld shall be deemed earned by the ACC and shall be non-refundable to the Lot Owner and/or Guild Builder. Such charges will accrue daily until the date that the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Furthermore, if final Landscape Plans and Specifications are not submitted to the ACC by the date the Lot Owner and/or Guild Builder occupies the residence on the Lot, whether or not Landscape Improvements have been installed and whether or not any written notice has been given to the Lot Owner and/or Guild Builder by the ACC as described above then, after such notice and hearing as may be required by the North Carolina Planned Community Act, fines shall accrue against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner and/or Guild Builders, at a rate of \$100.00 per day from the occupancy date until the date on which the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Such fines will be deducted first from the Landscape/Construction Escrow Deposit and, if and when the Landscape/Construction Escrow Deposit is depleted as a result of such daily deductions, such fines will continue to accrue at the daily rate until final Landscape Plans and Specifications are received by the ACC. No exceptions will be made to the circumstances described above which allow the ACC to withhold and retain part or all of the Landscape/Construction Escrow Deposit.

Landscape Plans and Specifications submitted to the ACC will be reviewed by a certified landscape architect who is licensed in the state of North Carolina and who is either a member of the ACC or is hired by the ACC to conduct such review on behalf of the ACC.

If found not to be in compliance with the Landscape Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Landscape Plans and Specifications shall be returned to the Lot Owner or Guild Builder marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Landscape Guidelines or to be otherwise unacceptable to the ACC. If the final Landscape Plans and Specifications for a Lot are submitted and rejected two (2) or more times, the ACC may require an additional review or processing fee to be deposited by the Lot Owner or Guild Builder to cover the additional time and expense incurred by the ACC in reviewing the resubmitted final Landscape Plans and Specifications.

At such time as the final Landscape Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Landscape Plans and Specifications shall be retained by the ACC and the other complete set of the approved

final Landscape Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner or Guild Builder, along with a written statement with any comments of the ACC. Once the ACC has approved final Landscape Plans and Specifications for Landscape Improvements to be installed on a particular Lot, the installation of such Landscape Improvements must be promptly commenced and diligently pursued to completion.

Any modification or change to the "Approved" set of final Landscape Plans and Specifications must be submitted in triplicate to the ACC for its review and approval along with a completed Schedule D (using the same procedure as set forth herein relative to the submission and approval of the original final Landscape Plans and Specifications). The ACC may require the Lot Owner or Guild Builder to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Landscape Plans and Specifications.

#### 7.5. Required Elements of Final Landscape Plans and Specifications (See Schedule J-1 & J-2 for reference).

All final Landscape Plans and Specifications shall include the following:

7.5.1. A 24" x 36" blueprint or a 30" x 42" blueprint with accurate boundaries of the Lot (i.e., as taken from the most recent boundary survey of the Lot) drawn at a scale of 1" = 10' or larger (e.g., 1/8" = 1').

7.5.2. Accurate adjoining street right-of-way lines, accurate back of curb and face of curb lines, and the appropriate names of adjoining street(s).

7.5.3. Accurate locations and widths of any and all utility easements, each labeled as to the specific type of utility occupying the easement (i.e., septic, water, electric power, etc.). Accurate location of primary and 100% repair septic drainfield envelopes.

7.5.4. Accurate location of the Building Envelope for the Lot.

7.5.5. Accurate North direction shall be shown and labeled.

7.5.6. A title block located in either the lower right-hand corner of the sheet, across the entire bottom edge of the sheet, or down the entire right-hand edge of the sheet shall contain the following information:

- 1) Lot number and section/village/neighborhood/phase within the Falls Cove community.
- 2) Scale of the drawing.
- 3) Date of the drawing, including any revision dates.

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- 4) The name, address and telephone number of the preparer of the Landscape Plans and Specifications.
- 5) Lot Owner's name.

7.5.7. All accurate locations of existing trees over eight (8) inches in diameter as measured twelve (12) inches from ground/grade level. Of these trees, all trees to remain shall be so marked.

7.5.8. "Limits of Clearing and Grading Line" shall be shown exactly as it appears on the grading plan previously submitted by the Lot Owner or Guild Builder as part of the approved final Building Plans and Specifications. All "No-Clear Areas" shall be shown and shall conform to the "No-Clear Areas" shown on the unrecorded plot plan received by the Lot Owner or Guild Builder.

7.5.9. Precise location of the dwelling, garage and all other structures as depicted on the approved final Building Plans and Specifications for the Lot.

7.5.10. Precise location of all exterior doors and windows on the first floor/ground level of the dwelling.

7.5.11. Precise location of driveways, walkways, decks and steps, screened porches, gazebos, swimming (or other) pools, fountains, spas/hot tubs, fences and gates, garden walls, sculptures, sundials, bird houses, basketball goals, play equipment/swing sets, retaining and freestanding walls, etc.

7.5.12. Location of all proposed new Landscape Improvements, clearly labeled and indicating the species and quantities. Show all lawn areas as "lawn seed" or "lawn sod."

7.5.13. Plant list/planting schedule listing all proposed plant material, quantities, their common name and their botanical/scientific name, their size at the time of planting, and any special or notable distinguishing characteristics. (See the Sample Final Landscape Plans and Specifications attached hereto as Schedule J-1/J-2 and the Recommended Plant List, Schedule H-1).

7.5.14. Location of gas and electric meters, location of heating, ventilating and air conditioning units and pool equipment/pump or other utility-related equipment and apparatus. Location of septic tanks, pumps and related equipment.

7.5.15. Label appropriately any Common Areas or Maintenance Areas or grounds that adjoin the Lot and show any adjoining paths (where applicable).

7.5.16. All plants shown on the final Landscape Plans and Specifications are assumed to be scheduled for

installation in the initial planting of the Lot. Any plants to be installed in a later phase (i.e., following the initial planting of the Lot) must be clearly labeled to that effect on the final Landscape Plans and Specifications and in the plant list that constitute a part of the final Landscape Plans and Specifications.

7.5.17. Street trees must be located and the species must be noted as is specified by the building envelope map for the each Lot.

7.5.18. Street light locations shall be noted on the final Landscape Plans and Specifications (where applicable).

7.5.19. The type(s) of mulch material(s) to be used and their location(s) must be clearly indicated.

7.5.20 Drainage Plan - At a minimum, plans are to include downspout locations, drain pipe locations, and direction of over land water flow.

If any of the foregoing information or detail is not provided in the final Landscape Plans and Specifications, in whole or in part, the final Landscape Plans and Specifications will be rejected until all of the required information and detail is included, regardless of how elaborate and extensive the actual design may be (see Schedule K).

### Upgrades to Landscaping

All additional landscaping proposed for installation following final approval and/or installation of original landscaping must be reviewed and approved by the ACC prior to installation. Depending on the scope of the work, review fees may be required. All upgrade submittals are to be accompanied by a completed Schedule C, marked for 'upgrade review'.

### 7.6. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Landscape Plans and Specifications and other submittals which conform (and which relate to Landscape Improvements which will conform) with the requirements of the Landscape Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Landscape Guidelines and the Declaration, of all items that were to have been submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Landscape Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Landscape Plans and Specifications and other submittals, EXCEPT that the ACC has no right or power,

either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located, and EXCEPT FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in Section 8.07, Section 8.08 or Section 8.09 of the Declaration or any corresponding provisions in the Guidelines. If final Landscape Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

### 7.7. Lot Owner Responsibility.

Although a landscape contractor, landscape architect, or landscape designer may prepare the final Landscape Plans and Specifications for a particular Lot on behalf of the Lot Owner, it is the ultimate responsibility of the Lot Owner to review the final Landscape Plans and Specifications for completeness (consistent with the Landscape Guidelines); and it also is the ultimate responsibility of the Lot Owner to ensure the timely submission of the Landscape Plans and Specifications and related documentation to the ACC for review as contemplated herein. Additionally, each Lot Owner is responsible for making those individuals acting on behalf of such Lot Owner aware of the requirements contained herein relating to the preparation and submittal of the final Landscape Plans and Specifications.

### 7.8. Field Verification.

Following the approval of final Landscape Plans and Specifications for a Lot and the subsequent installation of Landscape Improvements in accordance with such approved final Landscape Plans and Specifications, the Lot Owner shall so notify the ACC by submitting a completed Schedule E, and the ACC shall inspect the Landscape Improvements installation for compliance with the approved final Landscape Plans and Specifications. Plant locations, plant species and plant sizes shall be consistent with those shown on the approved final Landscape Plans and Specifications. Please Review Schedule L, Recommended Planting Details, for further information on planting specifications. Plant sizes shall conform to the latest edition of the American Standards For Nursery Stock, published by the American Association of Nurserymen, Inc. Upon positive field verification of installation of the Landscape Improvements on the Lot in accordance with the approved final Landscape Plans and Specifications, the Landscape/Construction Escrow Deposit (or any residual portion thereof not previously retained by the ACC as provided herein) shall be returned to the Lot Owner. If the Landscape Improvements, as installed, do not conform to the approved Landscape Plans and Specifications, at the sole discretion of the ACC and without limiting any other rights or remedies of the ACC or any other party under the Guidelines or under the Declaration, the Landscape/Construction Escrow Deposit may be withheld until the Landscape Improvements

installation is brought into conformance with the approved final Landscape Plans and Specifications.

All resubmittals for disapproved installation inspections are to be submitted to the ACC by a completed Schedule E.

## 8. PRESERVATION OF EXISTING TREES

The existing trees at Falls Cove are a prized natural amenity which add value to the community in a multitude of ways. Falls Cove Development, LLC has exercised care to retain as much of the existing vegetation as possible in the design of the land plan for Falls Cove; and it is expected that Lot Owners, builders and contractors will continue to preserve and protect this valuable resource during the course of construction.

### 8.1. Owner Responsibilities.

Each Lot Owner shall be responsible for ensuring that such Lot Owner's general contractors and subcontractors adhere to the requirements of the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees. The Landscape/Construction Escrow Deposit will be retained by the ACC if, in the sole discretion of the ACC, the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees are not followed and result in the destruction of or severe damage to otherwise healthy and desirable existing vegetation.

The ACC may employ the services of a qualified arborist and/or landscape architect to analyze the condition of existing trees and to assist the ACC in monitoring adherence to the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees.

### 8.2. Tree Protection and Preservation Procedures.

It is essential that tree trunks, canopies, and root systems all be protected from heavy equipment and other harmful construction practices. Soil located from the "drip-line" of the tree to the trunk of the tree must remain undisturbed to enhance the likelihood that the tree will survive. Studies have shown that damaged root systems, especially damage to the feeder roots at the top ten (10) feet of the soil where a tree "breathes," are the most common cause of the fatal decline of otherwise healthy existing trees. Signs of the resulting stress often are not evident for months or sometimes years after the damage occurs, resulting in additional, often unforeseeable, costs and inconvenience to the then-current Lot Owner and to the community as a whole.

A qualified arborist or Landscape Architect shall be consulted by each Lot Owner or such Lot Owner's builder for an on-site evaluation of the existing trees prior to, during, and after construction. In addition, the following plan of protective measures must be followed by the Lot



Owner and the Lot Owner's builder to ensure the protection of existing trees that are intended to remain on the Lot following the construction of Improvements thereon.

8.2.1. All healthy, individual existing trees over eight (8) inches in caliper, as measured twelve (12) inches from ground level, and all groups of trees comprising a "tree save area" must be identified with blaze-orange flagging tape before any clearing, grading or other construction activity is commenced on the Lot. The tree protection boundary shall be established at the drip-line(s).

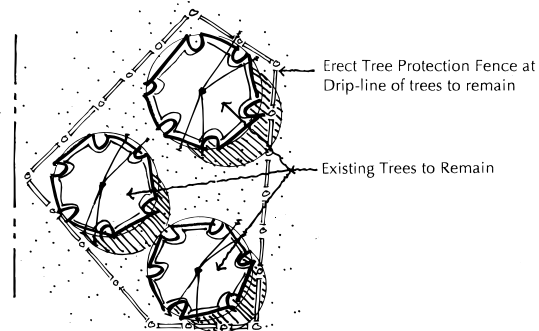


Figure 8.2.1 - Tree Protection Boundary

8.2.2. Keep trash, construction debris, fires, chemical liquids and stored construction materials out of the drip-line area.

8.2.3. Stored construction materials, stockpiles, equipment or vehicles shall be located no closer than ten (10) feet to the tree drip-line.

8.2.4. Supply supplemental water and/or deep-root fertilization (as recommended by the arborist) before, during and after construction, as appropriate. Severe and prolonged heat, cold and/or drought conditions, coupled with nearby construction activity, often cause an adverse lowering of available groundwater levels requiring protective measures.

8.2.5. When changes in grade are required near existing trees, erect a tree well, retaining wall or walls outside the "drip-line" of the existing trees, to preserve the existing grade around the tree. Supply supplemental water and/or deep-root fertilization, as recommended by the arborist, to ease the stress of possible root loss due to grading operations and the construction of retaining walls.

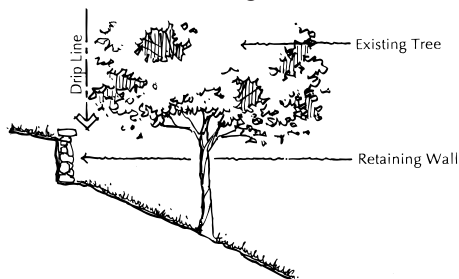


Figure 8.2.5 - Tree Preservation - Retaining Wall

8.2.6. In some instances, the ACC may require additional tree protection measures to ensure the preservation of especially valuable existing trees.

8.3. Tree Repair Procedures.

When trees are inadvertently damaged during construction, the Lot Owner shall retain a qualified arborist to make the necessary repairs. The arborist selected by the Lot Owner must have a minimum of five (5) years of working experience as an arborist and must be actively involved in the care and maintenance of trees in the southeastern United States.

The following tree repair measures shall be taken by the arborist (as deemed appropriate by him or her) subsequent to his or her thorough inspection of the damaged area and determination as to the severity thereof.

8.3.1. Tree trunks scarred during the construction process shall be treated immediately. The scarred area must be properly cleaned. Any and all torn bark and/or ragged edges shall be cut cleanly away, and the wound shall be shaped into an ellipse where possible.

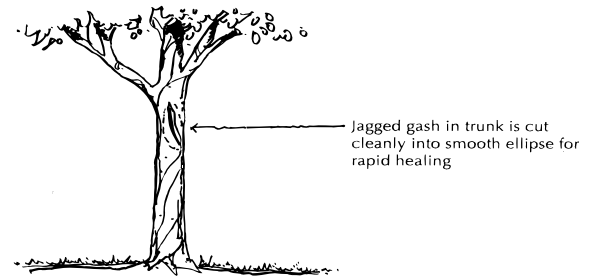


Figure 8.3.1 - Tree Repair - Scarred Trunk

8.3.2. Limbs or branches damaged by construction operations shall be removed. Clean cuts with sharp pruning tools are to be made at the nearest lateral branch or flush with the trunk for major limbs.

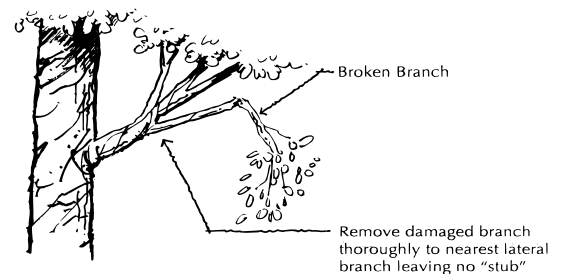


Figure 8.3.2 - Tree Repair - Broken Branch

8.3.3. If, during or after construction, minor root damage is observed, reducing the crown by as much as thirty percent (30%) during the appropriate season of the year may be advisable. Crown reduction by pruning several of the small to medium-sized branches will reduce the demand on the damaged root system, thereby increasing the tree's prospects for survival and eventual full recovery.



## Falls Cove

In general, replacement trees must be planted expeditiously once the violation has occurred and the replacement planting plan has been approved. The ACC may grant, during times of extreme weather conditions, that replacement tree planting be postponed until such time as weather conditions are optimum for planting. A formal request, in writing, must be given to the ACC once the replanting has been approved. The ACC will review the request in accordance with Section 9.2 of the Landscape Guidelines. If the ACC grants a postponement, failure to install the buffer mitigation trees by the agreed upon date will result in a minimum fine of the actual installed cost of the buffer mitigation trees previously agreed upon as per the approved buffer mitigation plan, assessed against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner.

For trees to be placed within the Lake Buffer Areas, all trees installed as part of the buffer mitigation plan will be considered "protected" regardless of caliper size.

### 9. MINIMUM PLANTING REQUIREMENTS

Minimum requirements for the initial landscape improvements to be installed on each Lot within the Falls Cove community have been devised to ensure that the high quality, visually appealing house styles and associated landscaping portray an aesthetically pleasing streetscape image. Essential to this is a unified and consistent balance between the quality of the architecture and the quality of the Landscape Improvements. A Recommended Plant List is attached hereto as Schedule H-1, and a Landscape Reference List is attached hereto as Schedule I.

Of course, as provided above, the ACC may, from time to time and at the sole discretion of the ACC, make revisions or amendments to all requirements and provisions in the Guidelines, including, without limitation, these minimum initial Landscape Improvements planting requirements.

#### 9.1. Minimum Landscape Improvements Planting Requirements (LOTS UNDER 40,000 SF).

Plant Type	Non-Corner Lot Quantity	Corner Lot Quantity	Size	Remarks
Street Trees*	1	2	3-3.5" cal.	B&B
Shade Trees	1	2	3" cal.	B&B
Accent Trees	2	3	2-2.5" cal.	B&B, 8'-10' Hgt. for multi-stem trees.
Evergreen Trees	2	3	7-8' ht.	B&B
Evergreen Shrubs	22	26	5-7 gallon	Cont.
Small Shrubs	18	22	3 gallon	Cont.

Ground covers	150 SF	200 SF	Flats/Pots	Cont.
Annual/Perennials	100 SF	75 SF	Flats/Pots	Cont.
Lawn	Seed - All disturbed areas other than plant beds or natural areas			
Mulch	All plant beds and natural areas.			
Irrigation	<del>Front &amp; Side Yards</del> (Rev. 1/1/13)			

\*Street trees for the following lots may be installed by the developer:  
Lots: 1-3, 11-27, 30-46, 98-108, 139

(Note: "B&B" means "Bag and Burlap," "cal." means "caliper" and "Cont." means "Container.")

#### 9.2. Minimum Landscape Improvements Planting Requirements (LOTS OVER 40,000 SF).

Plant Type	Non-Corner Lot Quantity	Corner Lot Quantity	Size	Remarks
Street Trees*	1	2	3-3.5" cal.	B&B
Shade Trees	2	3	3" cal.	B&B
Accent Trees	3	3	2-2.5" cal.	B&B, 8'-10' Hgt. for multi-stem trees.
Evergreen Trees	4	4	7-8' ht.	B&B
Evergreen Shrubs	32	34	5-7 gallon	Cont.
Small Shrubs	24	26	3 gallon	Cont.
Ground covers	300 SF	350 SF	Flats/Pots	Cont.
Annual/Perennials	100 SF	100 SF	Flats/Pots	Cont.

Lawn	Seed - All disturbed areas other than plant beds or natural areas			
Mulch	All plant beds and natural areas.			
Irrigation	<del>Front &amp; Side Yards</del> (Rev. 1/1/13)			

(Note: "B&B" means "Bag and Burlap," "cal." means "caliper" and "Cont." means "Container.")

#### 9.3 Recommended Planting Seasons.

Optimum planting times are from March 15 to May 15 and from September 15 to November 1 for most plant materials. Trees may be planted throughout the winter months if the ground is not frozen and as long as the plants receive adequate water.

9.4. Postponement of Planting.

Under circumstances of extreme weather conditions, the ACC may, in its sole discretion, grant a Lot Owner a postponement of the initial Landscape Improvements planting. The request for such a postponement must appear in writing on the final Landscape Plans and Specifications as submitted to the ACC for review. Generally, postponements of the initial Landscape Improvements planting will be considered only for the hotter summer months between July 1 and August 30 and for prolonged periods of below-freezing weather forecasted during the winter months. Such a postponement, when granted by the ACC, in no way releases the Lot Owner from the obligation to install the initial Landscape Improvements pursuant to the approved final Landscape Improvements Plans and Specifications at the earliest time that weather permits and in all events not later than the timetable set forth in the ACC's written postponement.

**10. STREAM BUFFER AND ENVIRONMENTAL REQUIREMENTS**

10.1. General.

Falls Cove Development, LLC has contracted with Audubon Environmental, a division of Audubon International, to consult with the Falls Cove Property Owner's Association, Inc. on the overall management of the stream corridors and natural open space within Falls Cove. Audubon Environmental will also provide a guidebook for property owners entitled "The Falls Cove Homeowner's Guide to Sustainable Resource Management" (the "Resource Guide"). This document will act as an extension of the Architectural and Landscape Guidelines for Falls Cove, and the ACC shall have jurisdiction over the provisions contained in that document as well, and the ACC may seek assistance and consultation from Audubon Environmental from time to time.

10.2. Stream Buffers.

Certain Lots within Falls Cove may have some portions of, or all of, a stream buffer on the Lot, whether the stream is on the Lot or not. In many cases, stream buffers are outlined on the recorded plat. There are certain regulations that govern the use of, as well as maintenance of these buffers as required by any governmental or regulatory authorities having jurisdiction. These regulations may be subject to change and in any case where there is a conflict between the Guidelines and/or the Resource Guide and any governmental or regulatory agency rules, the latter will control. In general, these buffers are areas of minimal disturbance, and no Improvements may be erected within these buffers, with the exception of a foot path for access to certain common areas. The Resource Guide shall outline specifics regarding the materials and construction of this foot path. **ACC Approval is required prior to installing any Improvements within the limits of any stream buffer.**

**11. LANDSCAPE DESIGN GUIDELINES  
— REQUIRED PRACTICES**

The following guidelines shall be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of Lot Owners when planning for and installing Landscape Improvements on Lots within Falls Cove. These guidelines contain specific required practices and techniques for creating an aesthetically pleasing landscape.

11.1. Screening of HVAC Units, Utility Meters, Utility Transformers, Septic Equipment, Outside Refuse Containers, Etc.

All heating, ventilating, and air conditioning units, septic equipment, utility meters, electric utility transformer boxes, swimming pool pump equipment, permitted satellite or microwave dishes and similar equipment, apparatus and fixtures on each Lot, including all refuse containers stored outdoors, must be screened from view from streets and from the Waterfront and neighboring Lots. Plants used as screening should be maintained by the Lot Owner so that the equipment, apparatus or fixture being screened is accessible (wherever possible) by service personnel and/or meter readers. Plant materials for this purpose shall be installed using either five (5) or seven (7) gallon sizes, evergreen only. Recommended plant types include Otto Luykens Laurel, Schipka Laurel, Dwarf Burford Holly, Compacta Holly, Variegated Ligustrum, Wax Myrtle, and Fortunes Osthmanthus, although this is not intended as an exclusive listing. (See Figures 11.1.1., 11.1.2., 11.1.3.)

Condensation drains from HVAC units can dispose considerable water during their operation times. Their drain tubes shall be piped away from any septic system component and "daylighted" on the downslope of the system.

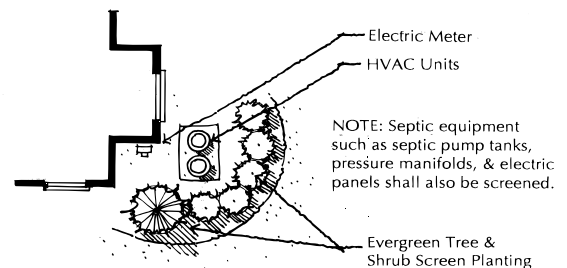


Figure 11.1.1 - Evergreen Screening of Utilities

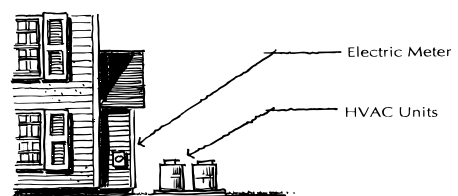


Figure 11.1.2 - Before Screening of Utilities

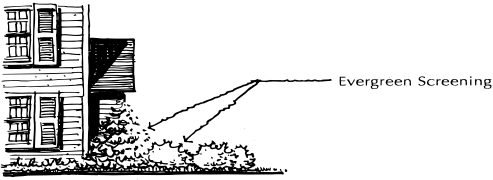


Figure 11.1.3 - After Screening of Utilities

11.2. Aggressive Exotic Plants.

There are plant species commercially available by growers that are non-native species to this region. While many of these species have adapted favorably to the regions's climate and soils, a number have naturalized and have an adverse effect on the environment. Such plants can actually spread out of control, stifling more advantageous species along the way. The best example of an aggressive exotic plant is Kudzu, a plant brought over from Japan in the early settlement days for erosion control. Many of you have seen this throughout the southeastern United States.

The Landscape Architecture industry has recommended that many of these plant types not be used in the design of residential or commercial landscapes. The ACC recommends this as well. A list of Aggressive Exotic Plants is attached as Schedule H-2.

11.3. Waterfront Lots - Special Requirements.

With regard to Lots that are contiguous to the waterfront of the Lake, plant material hedges will not be permitted outside of the Building Envelope for each such Lot. This restriction is intended as a means of facilitating the view of the waterfront of the Lake from all Waterfront Lots.

Existing trees adjacent to the waterfront of the Lake are essential to creating a well-defined vegetated edge to the waterfront of the Lake. Accordingly, Owners of Lots whose rear yards abut the waterfront of the Lake shall adhere to the provisions for tree preservation as outlined in Section 8 herein. In order to maximize their views of the waterfront of the Lake, however, Owners of Lots whose rear yards abut the waterfront of the Lake may, in their reasonable discretion, trim or remove hardwood trees under 2 1/2" in caliper and pine trees under 4" in caliper. Also, any such trees may be pruned or limbed-up, judiciously, to enhance views of the waterfront of the Lake. (See Figure 11.2.1.)



Figure 11.3.1 - Pruning/Limbing to Enhance Views

11.4. Driveway Location and Planting.

As set forth in Section 2.3 in the Architectural and Design Guidelines, driveways shall not be located closer than two (2) feet to the side Lot boundary line. Where a driveway exists on a Lot that is adjacent to a neighboring Lot which does not have a driveway on the same adjacent side, the Owner of the Lot on which the driveway exists shall be responsible for landscaping the two (2) foot strip between such Owner's driveway and the side Lot boundary line with a row of seven or more evergreen shrubs or narrow, conical evergreen trees to screen the view of the driveway from the neighboring Lot. This plant material will be required in addition to the minimum initial Landscape Improvements planting requirements set forth in Section 9 herein. (See Figure 11.4.1.)

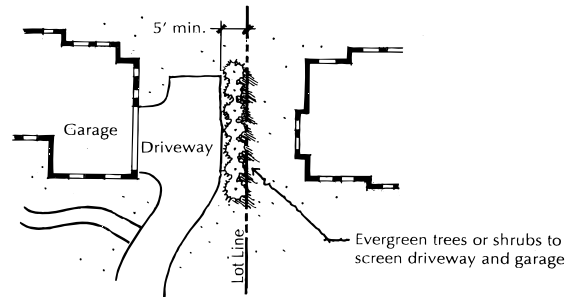


Figure 11.4.1 - Driveway/Garage Screen Planting

11.5. Retaining Walls.

As set forth in the Architectural and Design Guidelines, all retaining walls must be approved by the ACC prior to construction (see Schedule N), and the material, location, and height of all retaining walls must be clearly labeled on the final Building Plans and Specifications. Where retaining walls are located on a Lot in an area that is visible from a street, additional plant material, over and above the minimum initial Landscape Improvements planting requirements herein, will be required to screen, or otherwise "soften" the retaining wall from view at the street. Additionally, it is recommended that retaining walls that are visible from neighboring Lots and the Waterfront be screened and/or "softened" with plant material. Additional plant screening material required to be installed pursuant to this Section 11.4 must be installed at the same time the minimum initial Landscape Improvements are installed hereunder. (See Figure 11.5.1.)

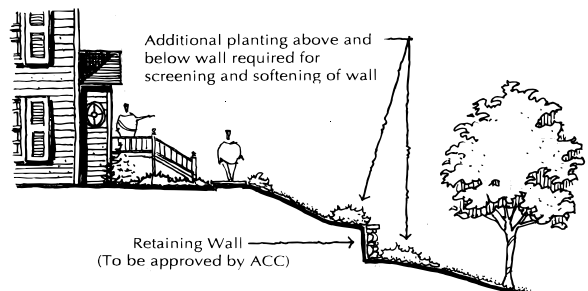


Figure 11.5.1 - Screening of Retaining Walls

11.6. Street Tree Location.

Except where governmental authorities require street trees to be within the right-of-way of the Roadway, street trees will be required on each Lot. The required species, size and location of each required street tree will be shown on the unrecorded plat provided by Falls Cove Development, LLC or the ACC in connection with the initial sale of each Lot. The street trees planted on each Lot are expected to contribute to the overall effect of a unified street planting scheme that distinguishes each street with a particular species of tree. It is the responsibility of each Lot Owner (over and above the minimum initial Landscape Improvements planting requirements herein), to plant the precise size and species of tree described on the unrecorded plat provided by Falls Cove Development, LLC or the ACC in the designated location(s) shown on such unrecorded plat and to maintain the same in a healthy, well-maintained condition in perpetuity. Additional trees required to be installed pursuant to this Section 11.5 must be installed at the same time the minimum initial Landscape Improvements are installed hereunder. (See Figure 11.6.1.)

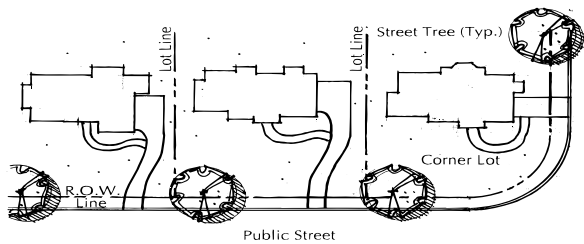


Figure 11.6.1 - Typical Street Tree Location

11.7. Lawn Ornaments/Bric-a-Brac.

All lawn ornaments and bric-a-brac constitute Landscape Improvements and therefore are subject to review and approval by the ACC (see Schedule N). Without limiting the generality of the foregoing, no such landscape elements will be permitted in the front yard of any Lot without the prior written approval of the ACC. If, in the sole discretion of the ACC, such landscape elements are incompatible with the objectives of the Guidelines, they must be removed or relocated by the responsible Lot Owner, as specified by the ACC, within ten (10) days from the date of written notification to the Lot Owner.

11.8. Mulch Materials.

Annual flower beds and perennial flower beds shall receive two (2) inches of small/fine pine bark mulch. All planting beds and natural areas require a cover of three (3) inches of mulch. Acceptable mulch materials for covering planting beds and natural areas include pine straw, pine bark nuggets, shredded hardwood mulch, brick chips or dark-colored gravel (i.e., dark gray granite or dark brown "lava-rock"). White gravel will not be permitted without the prior written approval of the ACC. Consistent use of the same mulch material for any given Lot is required. Each Lot

Owner shall be responsible for replacing and maintaining mulch material on such Owner's Lot from time to time consistent with the requirements of this Section 11.8.

11.9. Respect For "NO-CLEAR" Areas.

"NO-CLEAR" areas will be clearly marked on the unrecorded plat provided by Falls Cove Development, LLC or the ACC in connection with the initial sale of each Lot. These "NO-CLEAR" areas have been designated as tree preservation areas due to the exceptional, mature trees located in their boundaries. Utmost care and consideration by all Lot Owners, builders, contractors and subcontractors is required relative to the "NO-CLEAR" areas, as set forth in Section 8 herein. Failure to follow such guidelines will result in the Owner being required to pay compensation according to Section 8 herein.

11.10. Walkway Layout.

Walkways from the driveway to the front door or porch of the house shall be designed with smooth, flowing curves (where possible), rather than rigid straight lines. Walkways shall be at least three (3) feet wide.

Openings to provide access to the Lake and dock areas are allowed, but are limited to a maximum width of 10 feet for boats and 6 feet for walkways. Access to the streams are limited to a maximum width of 6 feet for walkways. (pervious materials should be used as base materials or elevated boardwalks can be used.)

11.11. Elevated Deck and Patio Foundation Planting.

Decks and patios that are elevated above ground level shall be landscaped around their perimeters with appropriately sized plant material to screen the view of the space underneath the structure. It is especially important to screen those portions which are visible from the public street (i.e., especially on corner lots with elevated rear decks), and waterfront of the Lake.

11.12. Septic Systems - Special Requirements.

Having accessibility to Septic System components is necessary for scheduled preventative maintenance and regular service. The planting of shrubbery and decorative landscaping items shall not be placed within a 5' radius of any Septic System component that extends above ground. All planting and decorating must be approved by the ACC.

Septic System electrical control panels associated with certain system types will be attached to the side of the dwelling. No landscaping items will be allowed within a 5' radius from the box to allow for service without obstruction.

The planting of trees within the area of the Septic Systems should be performed carefully and very selectively.

Only with the approval of the ACC will certain trees be allowed to be planted within the drainfield “envelope” or in the tankage area. No tree of any type shall be planted within 5’ of any septic system component; e.g., tankage, distribution devices or drainlines. For additional tree preservation techniques, see Section 8.

The drainfield “envelope” shall have sufficient vegetative covering of the type identified by the ACC. Mulching is generally disallowed over the drainfield area. If the landscaping design shows mulching extending into the “envelope” and covering more than 10% of the “envelope” area, approval will be at the discretion of the ACC. In addition, if mulching is desired over the tankage or distribution device areas, detailed plans including septic system component locations must be submitted to the ACC for approval.

**12. LANDSCAPE DESIGN GUIDELINES -  
RECOMMENDED PRACTICES**

The following guidelines are recommended to be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing Landscape Improvements on Lots within Falls Cove. These guidelines contain specific recommended practices and techniques for creating an aesthetically pleasing landscape.

**12.1. Automatic Irrigation Systems.**

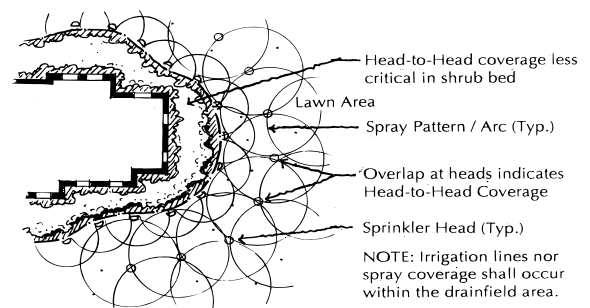
Automatic irrigation systems are highly recommended. Besides the obvious advantage of convenience, automatic irrigation systems, when designed, installed and operated properly, should provide plant and lawn sod Landscape Improvements with the consistent waterings they require to thrive. Landscape Improvements that are installed between March 15 and September 30 likely will be subjected to periods of intense heat and periods of low precipitation. Automatic irrigation systems are especially beneficial during such periods to help ensure a consistent amount, frequency and duration of watering.

When designing an automatic irrigation system it is recommended that lawn areas and shrub beds be placed on separate zones since the watering requirements for the two differ substantially. Also, the automatic irrigation system plan shall provide complete coverage, or “head-to-head” coverage, of all lawn areas. Without “head-to-head” coverage, lawn areas that are not covered will become brown or will suffer “brown-out.” Often this phenomenon occurs in the area immediately surrounding the irrigation system heads, where little water actually falls on the ground. Another consideration is whether or not to meter the automatic irrigation system separately from the house water system. Separate water meters can be purchased at an additional cost from the governmental authority having jurisdiction over the municipal water supply. In the event a Lot Owner elects to install an automatic irrigation system on such Owner’s Lot, the automatic irrigation system shall

be designed and operated so that water from the system remains on the Lot being irrigated without overspraying onto adjacent Lots. (See Figure 12.1.1.)

No irrigation systems are allowed within the septic drainfields. No irrigation piping of ANY kind shall be placed or installed in the drainfields. Irrigation systems can be installed outside the perimeter of the drainfield and sprayed onto the drainfield provided that portion is on a separate zone which can be turned off or adjusted from a central control panel. Careful consideration shall be given to the placement of the spray heads and supply lines so as not to encroach into the drainfield envelope. The Septic System installer is available and should be contacted to mark all components and Septic System drainfield lines prior to any installation of the irrigation system. If irrigation is installed in the "repair area" of the Septic System, be advised that if a Septic System expansion is needed in the future that the irrigation lines would be taken out of this area and capped off.

As stated above, all irrigation that services a Septic System drainfield envelope should be placed on separate zone or zones that are independant of the rest of the irrigation system. If this zone must be turned off for Septic System maintenance purposes, the rest of the landscape will not be affected.



**Figure 12.1.1 - Head-To-Head Irrigation Design**

**12.2. Landscape Lighting Systems.**

Subject to the restrictions in Section 4.16 in the Architectural and Design Guidelines, landscape lighting systems are encouraged, although approval of landscape lighting systems may be granted or denied by the ACC in its sole discretion (see Schedlue N). Landscape lighting systems shall be designed, installed and operated to enhance the architecture of the house and the Landscape Improvements on the Lot in a tasteful and subtle manner. Overlighting the house and/or landscaping shall be avoided. Landscape lighting shall be confined to the Owner’s Lot only, and no direct illumination from such landscape lighting shall encroach onto any other Lot, the waterfront of the Lake or any other location beyond the boundaries of such Owner’s Lot. Trenching for landscape lighting systems shall not occur though the septic drainfield envelope.

12.3. Foundation Planting.

When designing foundation plantings, several important factors must be considered. Select shrubs that will not overgrow the location at maturity (i.e., covering windows). Select evergreen shrubs to be planted adjacent to the house foundation to provide an aesthetically pleasing appearance during all seasons, rather than deciduous plants (which shed their leaves in the winter months). Select plant types and varieties that require moderate to low maintenance and pruning. Locate foundation shrubs on either side of windows instead of directly under windows; this allows the shrubs more vertical growing room without blocking the window. Locate foundation plants far enough from the foundation of the house to allow ease of maintenance access to the house (e.g., with a ladder or to paint the wall directly behind the shrubbery). Foundation plants shall be layered from front to back, with taller plants (evergreen) at the back and successively lower plants in the front. (see Figure 12.3.1.)

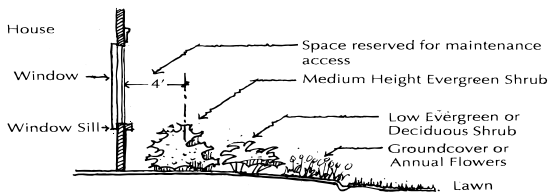


Figure 12.3.1 - Foundation Planting Hierarchy

12.4. Corner Lots.

With regard to Landscape Improvements, corner Lots shall treat both facades or elevations of the house which face the streets with equal care and consideration. Both facades or elevations are “public” sides of the house to the degree that both elevations front on a public street. Care and consideration shall be given to selecting plant material that will lend privacy to the rear yard by grouping evergreen trees and/or shrubs near the side right-of-way line. (See Figure 12.4.1.)

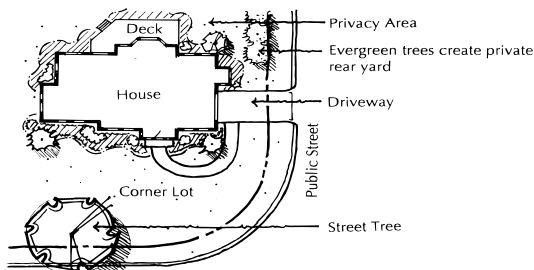


Figure 12.4.1 - Corner Lot Privacy Screening

12.5. Plants as Enframing Devices.

Trees and shrubs can and shall be utilized to enframe a view of the house (e.g., the front elevation). For instance, street trees located near the Lot boundary line at the street are best located near the side Lot boundary lines to create visual parameters through which to view the front of the

house. This idea is further illustrated by locating evergreen trees (e.g., Nellie R. Stevens Hollies) at the front corners of the house to enframe the house with a plant material during all seasons of the year. (See Figure 12.5.1.)

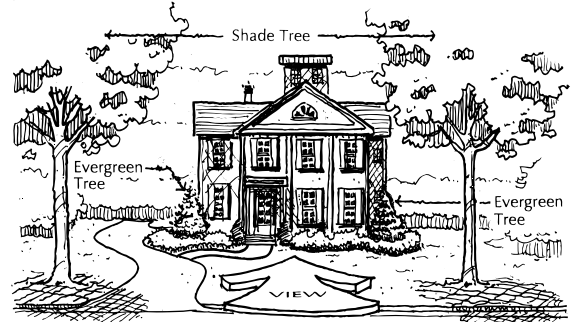


Figure 12.5.1 - Plants as Enframing Devices

12.6. Planting Bed Layout.

Planting beds containing plant materials such as trees, shrubs, ground covers, and annual flowers shall be designed and constructed with smooth, flowing curves (wherever possible). The curves shall be broad enough to allow ease of maneuvering lawn mowing equipment along the edges of the planting beds. Consideration also should be given to the type of lawn mowing equipment that will be used (i.e., riding lawn mower or push-type lawn mower) and its minimum turning radius. (See Figure 12.6.1.)

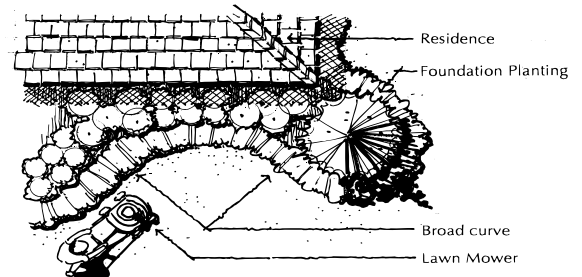


Figure 12.6.1 - Planting Bed Layout

12.7. Landscape and Architecture Compatibility.

The landscape design for each Lot should enhance the architectural style of the residence on such Lot. Different architectural styles call for different landscape styles. Lot Owners/builders are urged to hire an experienced, qualified landscape architect or landscape designer to assist in achieving such compatibility.

12.8. Fish Ponds and Fountains.

Fish ponds and fountains are permitted to be installed on Lots, subject to the ACC prior written approval (see Schedule N). Generally, such site amenities must be restricted to rear yards only. Professional design and installation services are highly recommended for such amenities.



12.9. Yards and Visual Importance.

Any area of a Lot that is visible from a public street takes on a “semi-public” character in that the visual quality of that portion of the Lot contributes to the overall quality and character of the community at large. It is incumbent upon all Lot Owners, therefore, to landscape and maintain all such “semi-public” areas of their Lots with utmost care and consideration. Corner Lots effectively have two such “semi-public” yards due to the fact that such Lots front on two public streets.

In contrast, rear yards tend to be the private domain of the Lot Owner, allowing somewhat more flexibility in the uses of the rear yard space. However, it is the hope of the ACC and Falls Cove Development, LLC that equal care and attention will be given to the landscaping and maintenance of these areas. Additionally, rear yards become more “semi-public” where they front on Common Areas, common recreation facilities, waterfront of the Lake, Steam Buffer, or Amenity Area; and rear yards in these locations should always be well-maintained and adequately landscaped as “semi-public” areas.

12.10. Lawn Care During Hot Weather.

During the hot summer months, the North Carolina Cooperative Extension Service recommends that turf grass, and fescue turf grass in particular, be grown out to 3-4 inches and watered no more than 1” per week, totaled cumulatively throughout the week. For more information on how best to irrigate and care for you lawn during the hot summer months, please visit the website of the North Carolina Cooperative Extension Service.

### 13. CONSTRUCTION RULES

13.1. Applicability. These construction rules (collectively the “Construction Rules”) shall apply to all Lot Owners and their builders, and any reference herein to an Owner shall also apply to the Owner’s builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the Board and/or the ACC may establish from time to time.

13.2. Construction Hours and Noise. All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 8:00 p.m. Monday through Saturday; provided, however, no construction activities shall be conducted and no deliveries shall be made on Memorial Day, July 4, Labor Day, Thanksgiving Day, Christmas Day or New Years Day. Any construction activities conducted in or access to Falls Cove other than during the foregoing hours must be scheduled with the ACC at least twenty-four (24) hours in advance and must be approved by the ACC in writing. No loud radios or distracting noise (other than normal construction noise) will be allowed within the community during construction. Radio and stereo speakers shall not be mounted on vehicles or outside of homes under construction.

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

(a) 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 that is under construction.

(b) Exterior Construction Debris. With regard to all construction debris located on a Lot outside the walls of a residence that is under construction, the following rules shall apply:

(1) At 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 dumpster or other approved containment device on the Lot; and

(2) At the end of the day on each Friday, all non-blowable construction debris, such as wood scraps, shingles, brickbands, drywall, bricks and masonry blocks, must be gathered into neat piles.

(3) During the last three (3) days of every month, all debris must be taken off the Lot and out of Falls Cove, leaving the dumpsters and the Lot free of all debris.

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

13.4. Excess Natural Materials. Excess plant matter, rock, topsoil and similar materials must be offered first to Falls Cove Development, LLC prior to removal from Falls Cove, and no such materials may be removed from Falls Cove without the prior approval of Falls Cove Development, LLC.

13.5. Street Cleaning. Approximately once each week near the end of the week, Falls Cove Development, LLC or the Falls Cove Property Owners Association, Inc. will engage a street cleaning service to clean the streets in Falls Cove of normal construction dirt, mud, and gravel. Falls Cove Development, LLC shall pay for twenty-five percent (25%) of the cost of such service. Lot Owners and Guild Builders with homes under construction in Falls Cove at the time such services are rendered shall pay the remaining seventy-five percent (75%) of the cost in accordance with the following formula:

A particular Guild Builder’s or Lot Owner’s pro-rata share of street cleaning costs shall be determined by multiplying the total cost of the service times (a) .75 and (b) a fraction, the denominator of which is the total number of houses in Falls Cove that are under construction, and the numerator of which is the number of houses in Falls Cove that such

## Falls Cove

Guild Builder or Lot Owner has under construction. The intent of this formula is to ensure that each house under construction bears its fair share of the street cleaning costs during construction, but not thereafter. Invoices from Falls Cove Development, LLC for reimbursement of the street cleaning costs must be paid within thirty (30) days.

Falls Cove Development, LLC or the Falls Cove Property Owners Association, Inc. shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the responsible Lot Owner or Guild Builder, to charge the cost of such clean up to the responsible Lot Owner or Guild Builder and to receive from the responsible Lot Owner or Guild Builder, on demand, reimbursement for the expense of such clean up.

13.6. Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ACC. Silt fences on rear of Lots contiguous to the waterfront of the Lake, any wetland or drainage area must be of the reinforced wire mesh type with steel poles for support.

13.7. Material Storage. No construction materials, equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved by the ACC.

13.8. Trailers. No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in Falls Cove, except as approved in writing by the ACC.

13.9. 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 ACC approves an alternate access way.

13.10. Gravel Drives. Prior to the commencement of construction on a Lot, the Owner of such Lot or such Owner's 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.

13.11. 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 streets within Falls Cove 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. Construction vehicles may be parked only on the street side of any Lot that is contiguous to the waterfront of the Lake.

13.12. Miscellaneous Practices. The following practices are prohibited at Falls Cove:

(a) Changing oil of any vehicle or equipment;

(b) Allowing concrete suppliers and contractors to clean their equipment other than at approved locations, if any, designated for that purpose by the ACC;

(c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by Falls Cove Development, LLC;

(d) Careless disposition of cigarettes and other flammable material; and

(e) Operators of vehicles are required to use due care to ensure that they do not spill any damaging materials while within Falls Cove. If spillage does occur, it is the responsibility of the operator of the vehicle to properly clean up the spill. Any such clean up operations completed by Falls Cove Development, LLC's personnel will be charged to the responsible party. Any spills must be reported to the ACC and Falls Cove Development, LLC in writing as soon as possible.

13.13. Pets. Builder and contractor personnel may not bring pets into Falls Cove.

13.14. Common Areas. Except with the prior written permission of the ACC, builder and contractor personnel are not allowed in the Common Areas, and no construction access will be allowed across the Common Areas.

13.15. Accidents. Falls Cove Development, LLC and the ACC shall be notified immediately of any accidents, injuries or other emergency occurrences.

13.16. Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided for at least every two homes under construction, and must be located in as inconspicuous a location as possible.

13.17. Speed Limit. The established speed limit within Falls Cove community is twenty-five miles per hour (25 mph) for all vehicles, and this limit must be obeyed at all times.

13.18. Signs. Building permits and the standard lot sign are the only sign or documentation that may be posted at a residence or on a Lot during construction. Building permits are to be attached to a post in a manner protected from the elements; and in no event may building permits or any other signage or documentation be attached to trees.

13.19. Property Damage. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by Falls Cove Development, LLC and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be deducted from the Landscape/Construction Escrow Deposit. If the Landscape/Construction Escrow

Deposit is not sufficient to cover the entire repair cost, the additional amount will be charged to and promptly paid by the Owner. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such an accident within thirty (30) minutes to Falls Cove Development, LLC personnel; and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

13.20. Failure to abide. Failure of a builder or contractor to abide by any of the Construction Rules may result in the loss of such builder's or contractor's privilege to enter Falls Cove on a temporary or permanent basis, or a fine, the amount being Falls Cove Development, LLC's discretion, may be levied for infractions and failure to abide.

13.21. Septic Areas. All septic areas are required to be wrapped with blaze-orange barrier fencing, to prevent access to the area and protect it from compaction by construction traffic. This fence is required to be maintained at all times, including after installation of the Septic System, until the Lot has been landscaped and all other related construction completed. All utility lines must be located at least 10' away from the Septic System drainfield area.

13.22. General Builder Responsibilities. Builders are encouraged to maintain strict control over subcontractors to minimize soil and mud build up in streets. Builders are advised to educate employees and subcontractors as to the location of the Lake Buffer Areas, the restrictions applicable to the Lake Buffer Areas and the ramifications of violation of the Architectural Guidelines. Planning home construction and erosion control measures with the Architectural Guidelines specifically in mind will be crucial to the success of each builder in Falls Cove. Where a builder or Lot Owner desires to modify the vegetation in the Lake Buffer Area or construct pathways or shoreline stabilization in the Lake Buffer Area, a Lake Buffer Area plan must be first submitted to the ACC for approval prior to construction. In addition to protecting the Lake Buffer Areas and controlling erosion, builders are encouraged to develop Lot plans which preserve natural wooded areas wherever possible and which minimize Lot grading and disturbance. Alignment of utilities and access should be planned to minimize the cutting of mature trees.

Builders are encouraged to be guardians against:

- Excessive trash build-up and/or disposal on the project either on Lots or on Common Areas
- Changing of oil, maintenance of equipment, or disposal of chemicals or paints resulting in spills on the Lots or into the storm drainage system for Falls Cove.
- Use of excessive amounts of fertilizer or herbicides on seeded areas;
- Destruction or modification of any part of the permanent storm drainage system for Falls Cove;
- Unpermitted shoreline modification;
- Unauthorized disturbance of any Lake Buffer Areas;
- Improper use of, or disregard for, septic drainfield areas.

**SCHEDULE A**

**FALLS COVE**

**LOT** \_\_\_\_\_

**APPLICATION FOR PRELIMINARY DESIGN APPROVAL**

Submit this form with additional materials as per Section 1.4

Name of Lot Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_

- I. Preliminary Site Plan (1" = 40')
  - Location (with dimensions and materials) should be illustrated for each of the following site improvements on the Building Envelope Lot Plan:
    - A. House and Other Improvements (garage, decks, patios, play equipment etc.) within Building Envelope
    - B. Front, rear, and side yard setbacks dimensioned
    - C. Driveway, sidewalks, and easements as shown on recorded plat
    - D. Fences and walls (including retaining walls)

- II. Preliminary Floor Plans and Exterior Elevations (1/4" = 1' - 0')
  - Heated finished square footage:

_____	First Floor
_____	Second Floor
_____	Third Floor
_____	Basement
_____	Total

ACC Required and Suggested Modifications:

Required: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Suggested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Advisory Design Professional:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Falls Cove ACC

By: \_\_\_\_\_

Date: \_\_\_\_\_

PRELIMINARY REVIEW DOES NOT CONSTITUTE EITHER FINAL PLAN APPROVAL OR AUTHORIZATION TO COMMENCE CONSTRUCTION. SEE ARCHITECTURAL GUIDELINES AND APPLICATION FOR FINAL DESIGN APPROVAL FOR THE APPROPRIATE STEPS TO FOLLOW PRIOR TO ANY CONSTRUCTION. THANK YOU.



**SCHEDULE B**

**FALLS COVE  
APPLICATION FOR FINAL DESIGN APPROVAL**

LOT \_\_\_\_\_

Submit this form with additional materials as per Section 1.5

Name of Lot Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_

Builder: \_\_\_\_\_

- I. Final Site Plan (1" = 40')  
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. (show proposed drainage plan)
  - B. House and Other Improvements (driveway, sidewalk, garage, decks, patios, fences and walls (including retaining walls), etc.
  - C. Front, rear, and side yard setbacks dimensioned, and utility easements as shown on recorded plat.

- II. Final House Plans (1/4" - 1'-0")
  - Garage: # of Cars: \_\_\_\_\_
  - Home Square Footage:
    - \_\_\_\_\_ Total Heated Sq. Ft.
    - \_\_\_\_\_ Total Overall Sq.Ft.

Plan Name: \_\_\_\_\_  
Elevation: \_\_\_\_\_  
Custom/Spec: \_\_\_\_\_  
List Price:(incl. Lot) \_\_\_\_\_  
Master Suite: Main/Upper/Downstairs \_\_\_\_\_  
# of Bedrooms \_\_\_\_\_  
Full Baths \_\_\_\_\_ Half Baths \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_

- III. Final House Elevations (1/4" = 1' - 0")  
Front, sides, and rear elevations shown

- IV. Exterior Specifications: (must be completed prior to ACC approval) Submit samples with manufacturer specifications.

- V. Roof shown in plan view.

VI Materials and Colors

	<u>Material</u>	<u>Color</u>
Foundation:	_____	_____
Ext. Veneer Primary:	_____	_____
Ext. Veneer Secondary:	_____	_____
Ext. Trim:	_____	_____
Front Door:	_____	_____
Shutters:	_____	_____
Garage Door:	_____	_____
Roof:	_____	_____
Windows:	_____	_____
Other:	_____	_____

VII. ACC Modifications:

Required: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII: Final Design Approval:

\_\_\_\_\_ Granted as noted above; however, construction start is subject to  
Approval to Commence Work.

\_\_\_\_\_ Granted as submitted; however, construction start is subject to  
Approval to Commence Work.

\_\_\_\_\_ Denied as noted above.

Reviewed and Approved By:

Advisory Design Professional:  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Falls Cove ACC  
By: \_\_\_\_\_

Date: \_\_\_\_\_







**SCHEDULE D**

**FALLS COVE  
MINOR CHANGE APPLICATION**

Lot Number: \_\_\_\_\_

Date: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's  
Address: \_\_\_\_\_

Architect: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_

Description of requested change: \_\_\_\_\_

\_\_\_\_\_

Reason for change: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Please attach sketch specifications of proposed change)

Lot Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

ACC USE:

\_\_\_\_\_ On-Site Inspection Conducted

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ APPROVED

\_\_\_\_\_ CONDITIONAL APPROVAL

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewed and Approved By::

Advisory Design Professional:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Falls Cove ACC

By: \_\_\_\_\_ Date: \_\_\_\_\_



**SCHEDULE E**  
**FALLS COVE**  
**REQUEST FOR FINAL LANDSCAPE INSTALLATION INSPECTION**

**Date:** \_\_\_\_\_

**Lot number:** \_\_\_\_\_

**Builder's Name:** \_\_\_\_\_

**Builder's Address/Phone/Fax:** \_\_\_\_\_

**Landscape Architect:** \_\_\_\_\_

**Landscape Contractor:** \_\_\_\_\_

**Requested Date of Inspection:** \_\_\_\_\_

I do hereby certify in good faith that the contracted landscape on said lot does conform to the "Architectural and Landscape Guidelines for Falls Cove" and the final plans as approved by the Architectural Control Committee. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to rights of way and common areas has been implemented.

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**ACC USE:**

**Inspected By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**APPROVED**

**DISAPPROVED**

**REASON FOR DISAPPROVING:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**SCHEDULE F**  
**FALLS COVE**  
**REQUEST FOR FINAL INSPECTION/DEPOSIT REFUND**

Lot Number: \_\_\_\_\_

Date: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Address/Phone/Fax: \_\_\_\_\_

Requested Date of Inspection: \_\_\_\_\_

I do hereby certify in good faith that the contracted structure on said lot does conform to the Standard Building Code, local codes, and Falls Cove Architectural Control Committee requirements and standards and the final plans as approved by the Architectural Control Committee. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to rights of way and common areas has been implemented. This constitutes a request for return of Construction Escrow deposit.

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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ACC USE:

ESCROW DEPOSIT

\_\_\_ DEPOSIT RETURNED IN FULL

\_\_\_ PARTIAL REFUND

AMOUNT RETURNED: \_\_\_\_\_

REASON FOR WITHHOLDING: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## SCHEDULE G

### FALLS COVE GLOSSARY OF TERMS

#### Accent Tree

A small flowering tree or a non-flowering tree with exceptional unique and interesting characteristics, such as leaf shape, leaf cover and/or flower color.

#### Annual Flowers

Flowers which are hot-house grown and available for seasonable displays in yards and gardens for colorful seasonal accents. These are replaced with other appropriate annuals when the season changes (e.g. annual periwinkle of summer replaced with pansies for the late fall and winter season).

#### Arbor

A decorative wood or metal structure used in the landscape to support the growth of plants (e.g. a wisteria arbor or rose arbor).

#### Arborist

A trained professional of Horticultural Science specializing in field identification, management, and maintenance of woody trees and shrubs.

#### Automatic Irrigation System

A network of underground pipes and sprinkler heads connected to a time clock which may be set to deliver a predetermined amount of water to various parts of a landscape at predetermined times of the day, operating independent of manual controls.

#### Balled and Burlapped (B&B)

Trees and large shrubs, which have been field grown rather than having been grown in containers. These plants are either hand-dug or machine-dug and their root balls are placed in tightly fitted burlap sacks to secure the root ball during transport prior to being planted.

#### Caliper

A term used in the nursery industry to describe the diameter of a tree to distinguish its relative size. Trees four inches (4") and under in caliper are measured six inches (6") above the ground to determine their caliper size; trees over four inches (4") in caliper at six inches (6") above the ground are measured at twelve inches (12") above the ground to determine their caliper size.

#### Container (Plant)

A plant which has a root system and is grown and sold in a plastic container. The container size is changed for a larger one, successively, as the plant matures. These plants are referred to as "container plants" in the nursery industry to distinguish them from other plants which are grown and sold with other various root conditions (e.g. B&B or Bare Root, etc.).

#### Crown or Canopy

These terms are used interchangeably to refer to the top part of a tree where the branching occurs and where the majority of the leaves exist on the tree.

#### Deciduous (Tree or Shrub)

Numerous plant species which lose or shed their leaves in the autumn, are without leaves for the colder winter months, and send out new leaves in the spring which remain throughout the summer are referred to as deciduous trees.

#### Deep-Root Fertilization

Fertilization of typically large trees or groups of trees, most often those that have recently endured construction activity and exhibit signs of stress, where liquid fertilizer is administered directly to the roots of the plants by drilling with specialized equipment into the root zone. The fertilizer is therefore readily available to the plant. The goal is a more rapid and complete recovery of the tree as exhibited by improved vigor.

#### "Drip-Line" (Tree)

This refers to the outermost perimeter of any tree or shrub canopy. It would be accurately described by the shadow cast by the sun if it were directly above the tree. This line on the ground surface generally coincides with the outermost root growth of the tree.

#### Drought

Prolonged periods of time without rainfall. These periods require regular and complete supplemental watering to sustain newly planted or stressed, naturally occurring plant material.

#### Evergreen (Tree or Shrub, etc.)

Trees, shrubs and ground covers, etc. which retain the majority of their leaves throughout the year.

#### Final Landscape Plans and Specifications

The only landscape plans and specifications required by the ACC. The final landscape plans and specifications for a lot must contain certain basic information listed in the Guidelines and must be submitted at or before exterior finishes are begun on the house. Specific minimum planting requirements are listed in the Guidelines for each lot category.

#### Flats

Plastic containers in which many annual flowers and ground cover plants are grown and sold.

#### Ground Cover (Plants)

Plant materials which have as one of their primary



growth characteristics the predisposition to spread over the ground, often creating a dense mat over a period of time.

#### Groundwater

Water that naturally flows under the surface of the earth, often through the soil's pore spaces or in underground aquifers or streams.

#### Landscape Architect

A professional educated and trained in the thoughtful design of exterior spaces, which designs incorporate utility, practicality and aesthetics. Licensure is required in the State of North Carolina to refer to oneself as a landscape architect.

#### Landscape Contractor

A person educated and/or trained in the installation of plants and other materials to create aesthetically-pleasing outdoor environments.

#### Construction Escrow Account

A deposit required of all lot Owners which is returned in full to the depositor when all construction is completed according to the Guidelines set for by the ACC. All or a portion of the deposit may be forfeited in the event that the Guidelines are not followed, in the sole discretion of the ACC.

#### Landscape Designer

One who designs landscapes. This individual may or may not have formal education in his or her field, and licensure is not required.

#### Lateral Branch (Tree)

A lateral branch of a tree is one that emanates from the main trunk. The main trunk has a vertical orientation relative to the lateral branches, which are more horizontal. The lateral branches comprise the majority of the tree's crown or canopy.

#### Limits of Clearing and Grading Line

The line beyond which no cut and no fill are permitted, with the intention of preserving existing trees.

#### Perennials

Plants which die back with the onset of cold winter temperatures only to return each spring of the year, or perennially – with a new flush of spring growth. The largest group of perennials is the herbaceous perennials which are often planted for their spectacular show of spring, summer, or fall flowers.

#### Pergola

A heavy wood or metal structure, sometimes similar to an arbor, but typically much longer (e.g., covering a portion of a walkway) and constructed of heavier construction materials than an arbor.

#### Pine Straw

Pine needles used as a mulching material for plants to retain moisture in the soil otherwise lost to evaporation and to reduce weed growth in planting beds.

#### Preliminary Landscape Plans and Specifications

Landscape plans and specifications which are required by the ACC and will not be considered a substitute for the final Landscape Plans and Specifications are recommended when the lot Owner desires feedback from the ACC on the adequacy of the lot Owner's landscape plan prior to submission of the final Landscape Plans and Specifications.

#### Septic Drainfield Envelope

Refers to the area that contains nitrification (drainfield) lines of the on-site septic system for an individual dwelling. The term can also be used to refer to the reserved repair area.

#### Shade Tree

A large maturing tree, such as most oaks and elms which develop significantly large canopies or crowns, providing much-desired shade on a hot summer afternoon.

#### Streetscape

The portion of the landscape on either side of a street or roadway where trees, shrubs and other plant materials are combined with other street elements, like driveways, lightposts, street signs, etc., creating a distinct character to the experience of driving or walking along a particular street.

## SCHEDULE H - 1

### FALLS COVE RECOMMENDED PLANT LIST

Appropriate and aesthetically pleasing landscaping of individual Lots at Falls Cove is integral to the success of the community as a whole. A list of recommended plant materials that thrive in our region is provided for use by Builders, Lot Owners, and landscape contractors. The list represents a core group of plants, evergreen and deciduous, flowering and non-flowering, of various sizes at maturity, which perform well in our area. The list is not absolutely complete, and other plants not appearing on our list are worthy of consideration. The intention is to provide a group of plants which are well-suited to our geographic location and which exhibit desirable ornamental characteristics. Many of the plants listed are indigenous (native) to our region: and several display desirable characteristics such as drought tolerance (xeriscape plants) and tolerance of heavy (clay) soils. Local plant nurseries should be consulted to obtain specific information on the improved varieties that may be available and the sun/shade exposure requirements of each plant.

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#### **Street Trees/Shade Trees:**

Red Maple, October Glory, Sunset, Autumn Flame	Water Oak
Legacy Sugar Maple	Purpleleaf Beech
Southern Red Oak	Linden (Littleleaf, American)
European Mountain Ash	Bloodgood London Planetree
Ginkgo Biloba (male only)	Zelkova
Shumard Oak	Willow Oak
Chinese Elm	

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#### **Large-Maturing Evergreen Trees:**

Deodar Cedar	American Holly
Southern Magnolia	Cryptomeria Japonica (protected)
Austrian Pine	Loblolly Pine
Norway Spruce	Nellie R. Stevens Holly
Fosters Holly	Emily Bruner Holly
Pyramidal Arborvitae	Savannah Holly
Bald Cypress	

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#### **Accent Trees (Flowering):**

Kwanzan Cherry	Viburnum Apulus (Japanese Snowball)
Yoshino Cherry	Crape Myrtle species
Okame Cherry	Weeping Japanese Cherry
Sourwood	White Dogwood
Vitex (Chaste Tree)	Kousa Dogwood
Styrax Japonica (Japanese Snowbell)	Pink Dogwood
Smoketree	Red Dogwood
Crabapple (improved varieties)	Pagoda Tree
Washington Hawthorn	Purpleleaf Plum
Eastern Redbud	Saucer Magnolia
Star Magnolia	Sweetbay Magnolia
White Fringetree	Witch Hazel
Amelanchier (protected)	Golden-rain Tree
Golden-chain Tree	

**Accent Trees (nonflowering):**

Black Gum  
Wax Myrtle  
Green Japanese Maple  
Trident Maple  
Thornless Honey Locust  
Carolina Cherry Laurel

Chinese Pistache  
Bloodgood Japanese Maple  
Amur Maple  
American Hornbeam  
Heritage River Birch

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**Evergreen Shrubs:**

Holly Species (i.e. Dwarf Burford Holly, Compacta Holly, Helleir Holly, etc.)  
Ligustrum Species  
Rhododendron Species (Carolina, Catawba, etc.)  
Azalea  
Laurel "species"  
Camellia Sasanqua (protected)  
Cypress and False Cypress Species  
Nandina Species  
Wax Myrtle  
Cotoneaster Species (Bearberry, Rockspray)  
Abelia  
Lorapetalum

Boxwood  
Euonymus Species  
Pieris  
Aucuba  
Camellia Japonica (protected)  
Gardenia (protected)  
Juniper Species  
Plum Yew  
Cleyera Japonica  
Osthmanthus "species"  
Inkberry  
Mahonia  
Dwarf India Hawthorn

---

**Deciduous Shrubs:**

Althea  
Spirea Species  
Butterfly Bush  
Flowering Quince  
Hydrangea "species"  
Sweetspice  
Dwarf Crape Myrtle  
Azalea

Barberry Species  
Burning Bush Euonymus  
Forsythia  
Shrub Roses  
Viburnum Species  
Mock Orange  
Weigela

---

**Groundcovers and Vines:**

Periwinkle  
Euonymus fortunei "coloratus"  
Shore Juniper  
Lirope  
Santolina  
Ajuga  
Ferns

Pachysandra  
Asian Jasmine  
Sarcococca  
Mondo Grass  
Lady Banks Rose  
Carolina Jessamine  
Clematis "species"

---

**Perennials:**

Sedum Species (Autumn Joy, etc)  
Coreopsis  
Iris  
Balloon Flower  
Liatris  
Primrose  
Coneflower  
Verbena  
Dianthus  
Ornamental Grasses  
Chrysanthemum

Rudbeckia  
Daylily Species  
Hosta Species  
Coral Bells  
Ferns  
Monarda  
Shasta Daisy  
Lillies  
Sage  
Aster

## SCHEDULE H-2

### FALLS COVE AGGRESSIVE EXOTIC PLANTS

The following plants are **NOT** recommended for residential or commercial use by the Landscape Architecture industry as well as the Architectural Control Committee. They are classified as Severe or Significant threats to native ecosystems:

The following Plants are considered severe threats to native ecosystems:

Scientific Name	Common Name
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of Heaven
<i>Albizia julibrissin</i> Durz.	Mimosa
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic-mustard
<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	Alligatorweed
<i>Celastrus orbiculatus</i> Thunb.	Asian bittersweet
<i>Elaeagnus angustifolia</i> L.	Russian olive
<i>Elaeagnus umbellata</i> Thunb.	Autumn olive
<i>Hedera helix</i> L.	English ivy
<i>Hydrilla verticillata</i> (L.f.) Royle	Hydrilla
<i>Lespedeza bicolor</i>	
<i>Lespedeza cuneata</i> (Dum.-Cours.) G. Don	Sericia lespedeza
<i>Ligustrum sinense</i> Lour.	Chinese privet
<i>Lonicera fragrantissima</i> Lindl. & Paxton	Fragrant honeysuckle
<i>Lonicera japonica</i> Thunb.	Japanese honeysuckle
<i>Microstegium vimineum</i> (Trin.) A. Camus	Japanese stilt-grass
<i>Murdannia keisak</i> (Hassk.) Hand.-Mazz.	Asian spiderwort
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather
<i>Paulownia tomentosa</i> (Thunb.) Sieb. & Zucc. Ex Steud.	Princess tree
<i>Phragmites australis</i> (Cav.) Trin. ssp. <i>australis</i>	Common reed
<i>Polygonum cuspidatum</i> Seib. & Zucc.	Japanese knotweed
<i>Pueraria montana</i> (Lour.) Merr.	Kudzu
<i>Rosa multiflora</i> Thunb.	Multiflora rose
<i>Salvinia molesta</i> Mitchell	Aquarium water-moss
<i>Vitex rotundifolia</i> L.f.	Beach vitex
<i>Wisteria sinensis</i> (Sims) DC	Chinese wisteria

## SCHEDULE H-2

### FALLS COVE AGGRESSIVE EXOTIC PLANTS

The following Plants are considered significant threats to native ecosystems:

Scientific Name	Common Name
<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	Coralberry
<i>Arthraxon hispidus</i> (Thumb.) Makino	Hairy jointgrass
<i>Bambusa</i> spp.	Exotic bamboo
<i>Broussonetia papyrifera</i> (L.) L'Her. ex Vent.	Paper mulberry
<i>Centaurea biebersteinii</i> DC	Spotted knapweed
<i>Clematis terniflora</i> DC (=C. <i>dioscoreifolia</i> )	Leatherleaf clematis
<i>Conium maculatum</i> L.	Poison hemlock
<i>Coronilla varia</i> L.	Crown vetch
<i>Dioscorea oppositifolia</i> L.	Air-potato
<i>Eichhornia crassipes</i> (Mart.) Solms	Water-hyacinth
<i>Euonymus fortunei</i> (Turcz.) Hand. - Mazz.	Winter creeper
<i>Glechoma hederacea</i> L.	Gill-over-the-ground, ground ivy
<i>Lamium purpureum</i> L.	Henbit
<i>Lespedeza bicolor</i> Turcz.	Bicolor lespedeza, shrubby bushclover
<i>Ligustrum japonicum</i> Thunb.	Japanese privet
<i>Ligustrum vulgare</i> L.	Common privet
<i>Lonicera maackii</i> (Rupr.) Maxim.	Amur bush honeysuckle
<i>Lonicera morrowii</i> A. Gray	Morrow's bush honeysuckle
<i>Lonicera xbella</i> ( <i>morrowii</i> x <i>tatarica</i> )	Hybrid Bush Honeysuckle
<i>Ludwigia uruguayensis</i> (Camb.) Hara	Creeping waterprimrose
<i>Lythrum salicaria</i> L.	Purple loosestrife
<i>Mahonia beali</i> (Fourtune) Carriere	Oregon grape
<i>Miscanthus sinensis</i> Andersson	Chinese silver grass
<i>Morus alba</i> L.	White mulberry
<i>Myriophyllum spicatum</i> Komarov	Eurasian watermilfoil
<i>Persicaria longiseta</i> (de Bruijn) Moldenke (=Polygonum <i>caespitosum</i> Blume)	Oriental ladies-thumb
<i>Persicaria maculata</i> (Rafinesque) S.F. Gray (=Polygonum <i>persicaria</i> L.)	Lady's thumb
<i>Phyllostachys</i> spp.	Exoitic bamboo
<i>Poncirus trifoliata</i> (L.) Raf.	Hardy-Orange
<i>Pseudosasa japonica</i> (Sieb. & Zucc. ex Steud.) Makino ex Nakai	Arrow bamboo
<i>Pyrus calleryana</i> Decne.	Bradford pear
<i>Rhodotypos scandens</i> (Thunb.)	Makino jetbead
<i>Rubus phoenicolasius</i> Maxim.	Wineberry
<i>Solanum viarum</i> Dunal	Tropical soda apple
<i>Sorghum halepense</i> (L) Pers	Johnson grass
<i>Stellaria media</i> (L.) Vill.	Common chickweed
<i>Veronica hederifolia</i> L.	Ivyleaf speedwell
<i>Vinca major</i> L.	Bigleaf periwinkle
<i>Vinca minor</i> L.	Common periwinkle
<i>Wisteria floribunda</i> (Willd.) DC	Japanese wisteria
<i>Xanthium strumarium</i> L.	Common cocklebur

## **SCHEDULE I**

### **FALLS COVE LANDSCAPE REFERENCE LIST**

Landscape Plants of the Southeast, by Gordon Halfacre and Anne R. Shawcroft, Fifth Edition, 1992, Sparks Press.

Gardening in the South, by Don Hastings, 1987, Taylor Publishing Company, Dallas, Texas.

Trees for American Gardens, by Donald Wyman, 1965, MacMillan Publishing Company.

The Audubon Society Field Guide to North American Trees - Eastern Region, by Alfred A. Knopf, 1980, The Chanticleer Press.

American Standards for Nursery Stock, by The American Association of Nurseryman, Inc., Latest Edition.



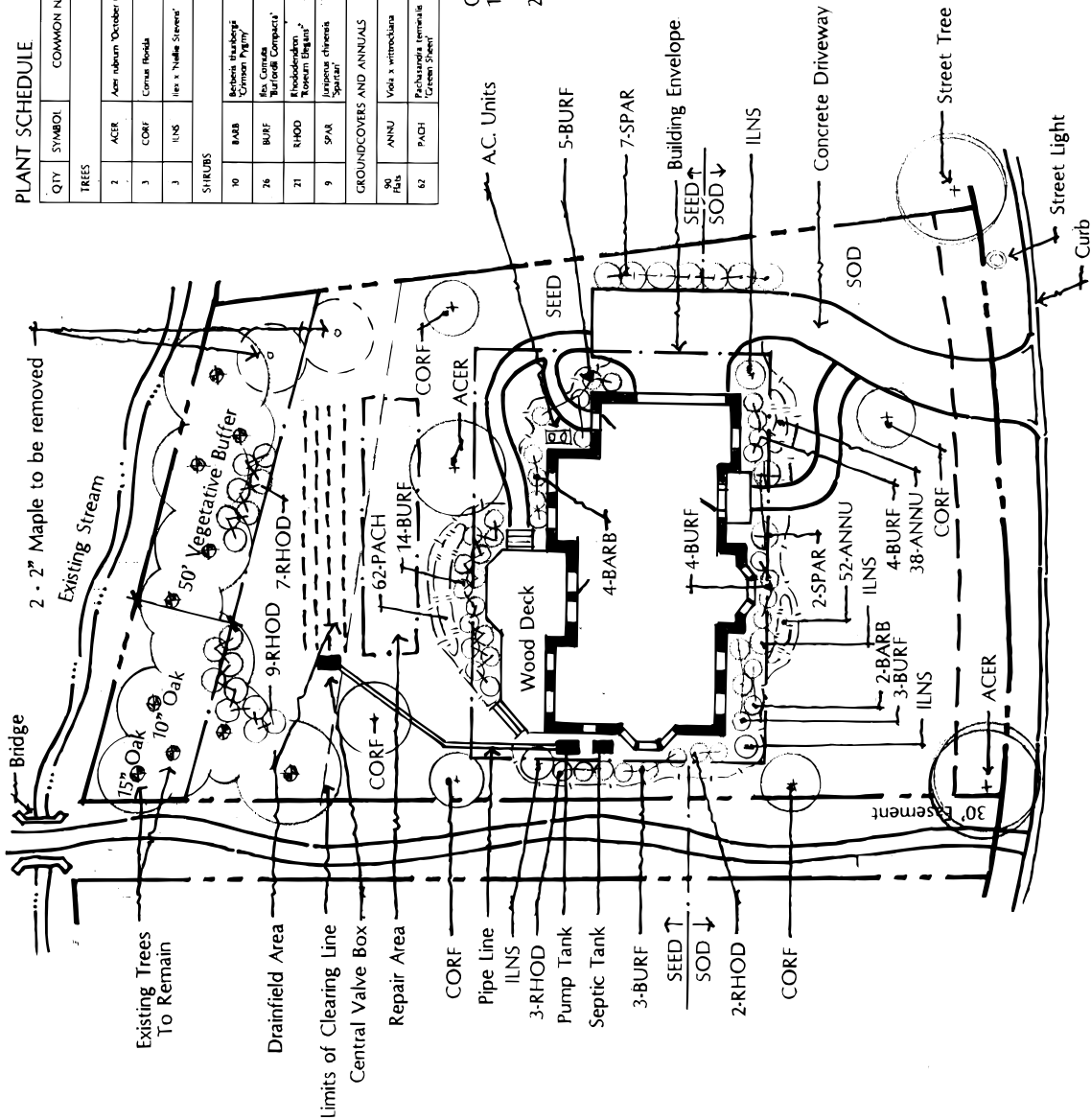
SCHEDULE J-1

FALLS COVE  
SAMPLE FINAL LANDSCAPE PLANS  
AND SPECIFICATIONS

**PLANT SCHEDULE**

QTY	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE / SPECS
<b>TREES</b>				
2	ACER	Acer rubrum 'October Glory'	October Glory Red Maple	8448, 3" x 3 1/2" Cal, 18' Hgt.
3	CORF	Cornus Florida	Flowering Dogwood	8448, 2" Cal, 6'6" Hgt.
3	ILNS	Ilex x 'Nella Stevens'	Nella Stevens Holly	Multi stem, 8'9" Hgt.
<b>SHRUBS</b>				
10	8448	Betula thurbergii 'Crimson Pygmy'	Common Pygmy Barkberry	3 Cal, 4' oc.
76	BURF	Ilex Cornuta 'Burford Compacta'	Dwarf Burford Holly	3 Cal, 4' oc.
21	RHOD	Rhododendron 'Romani English'	Rhododendron	5 Cal, 5' oc.
9	SPAR	Japanese daisies 'Spartan'	Spartan Juniper	8448, 5'6" Hgt., 5' oc.
<b>GROUNDCOVERS AND ANNUALS</b>				
90	ANNU	Yucca x viticolumna	Fairy	18" x 10" oc.
82	PACH	Pachystima terminalis 'Green Sheen'	Japanese Spurge	Cal, 18" oc.

- GENERAL NOTES:**
- All plant beds to receive 3" depth clean pine straw mulch.
  - All annual beds to receive 1-1/2" depth fine pine bark mulch.



LANDSCAPE PLAN  
Scale 1" = 10'-0"





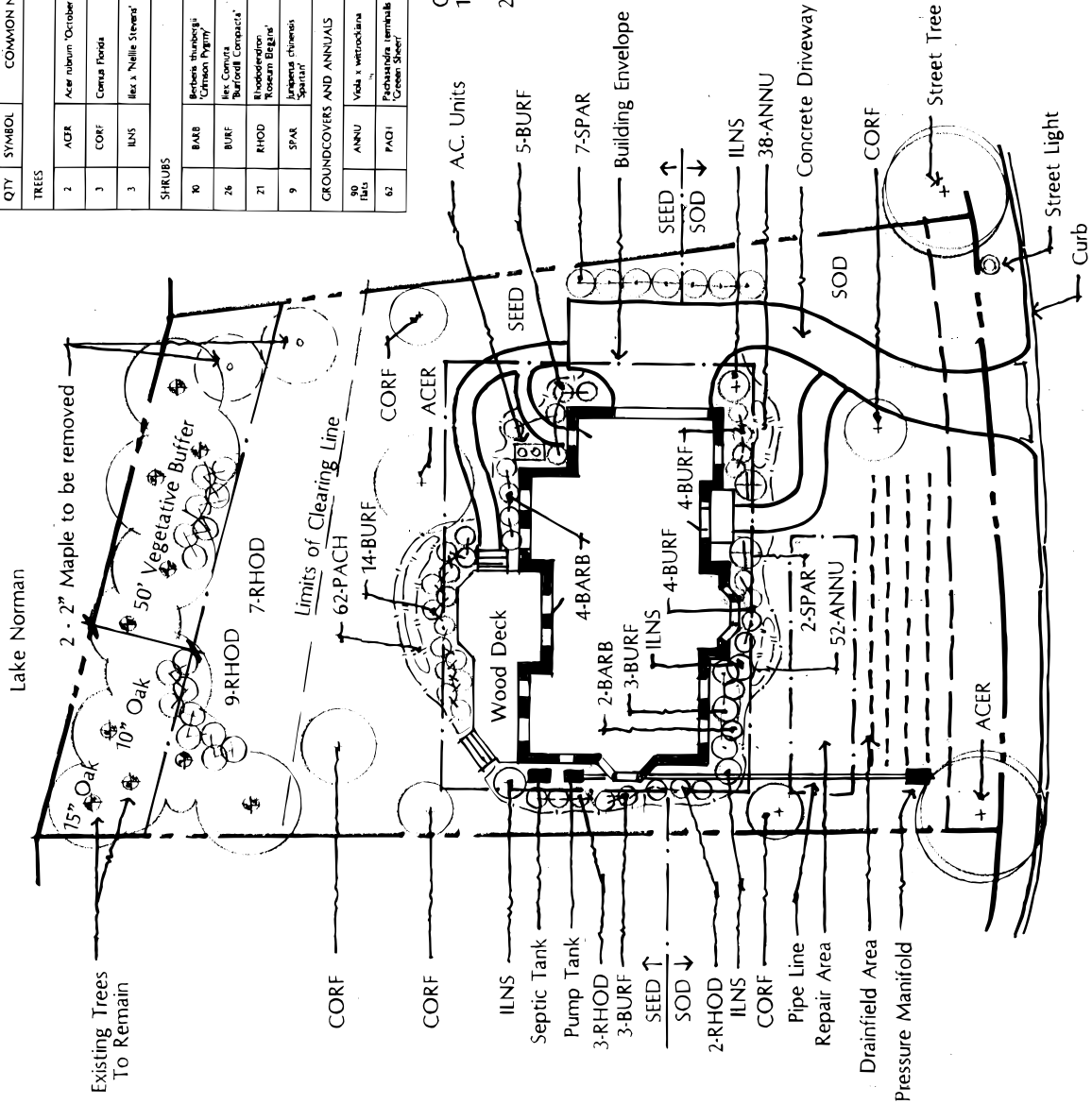
SCHEDULE J-2

FALLS COVE  
SAMPLE FINAL LANDSCAPE PLANS  
AND SPECIFICATIONS

PLANT SCHEDULE

QTY	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE / SPECS
<b>TREES</b>				
2	ADR	Acer rubrum 'October Glory'	October Glory Red Maple	BAH, 3" x 3 1/2" Cal, 18' Hgt.
3	CORF	Cornus Florida	Flowering Dogwood	BAH, 2" Cal, 6-8' Hgt.
3	ILNS	Ilex x 'Nellie Stevens'	Nellie Stevens Holly	Multi stem, 8' 1/2' Hgt.
<b>SHRUBS</b>				
10	BARB	Berberis 'Nanings' / Crimson Pyramy	Crimson Pyramy Barbery	3 Cal, 4' oc.
26	BURF	Ilex Cornuta / Burford Cotoneaster	Dwarf Burford Holly	3 Cal, 4' oc.
21	RHOD	Rhododendron 'Roseum Elegans'	Rhododendron	5 Cal, 5' oc.
9	SPAR	Japanese chives / 'Spartan'	Spartan Juniper	BAH, 5' 4" Hgt., 5' oc.
<b>GROUNDCOVERS AND ANNUALS</b>				
90	ANNU	Vicia x wickstriana	Fairy	8" x 10" oc.
62	PAOI	Paspalum lewisii / 'Green Sheer'	Japanese Sedge	Cal, 16" oc.

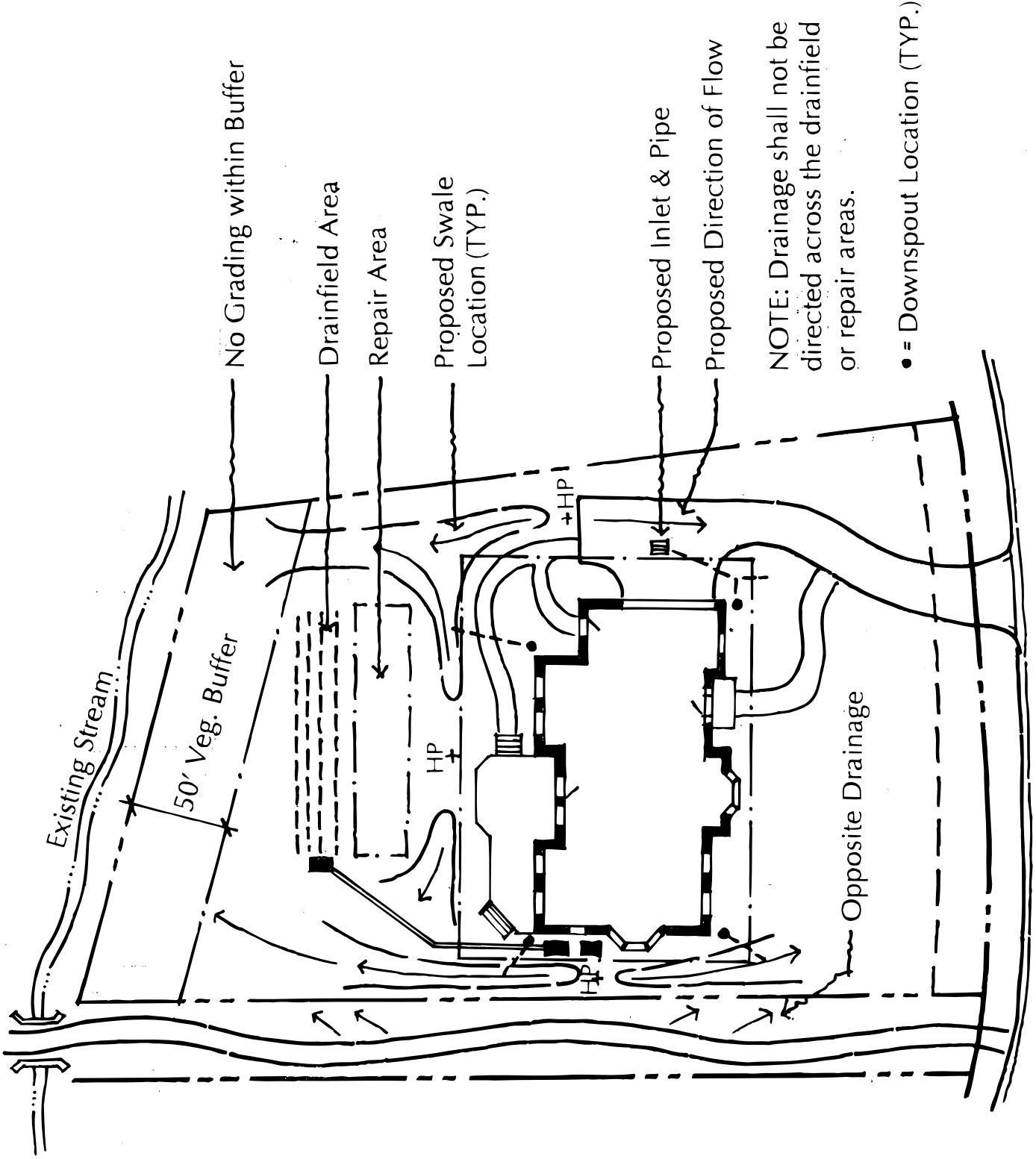
GENERAL NOTES:  
 1. All plant beds to receive 3" depth clean pine straw mulch.  
 2. All annual beds to receive 1-1/2" depth fine pine bark mulch.



LANDSCAPE PLAN  
 Scale 1" = 10'-0"

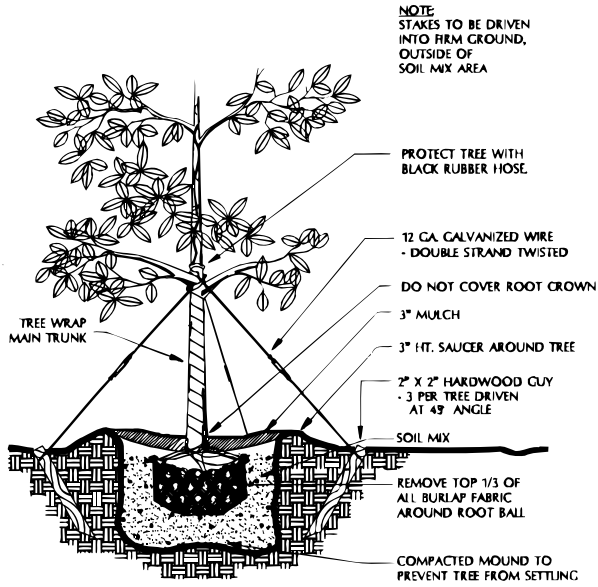


SCHEDULE K  
 FALLS COVE  
 SAMPLE DRAINAGE PLAN

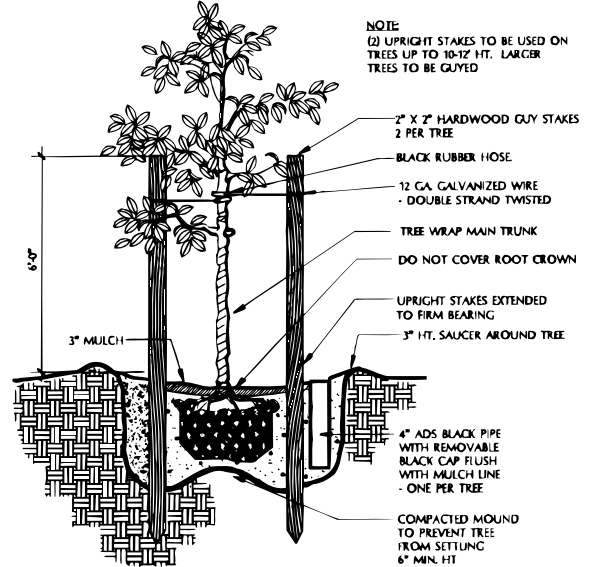


# SCHEDULE L

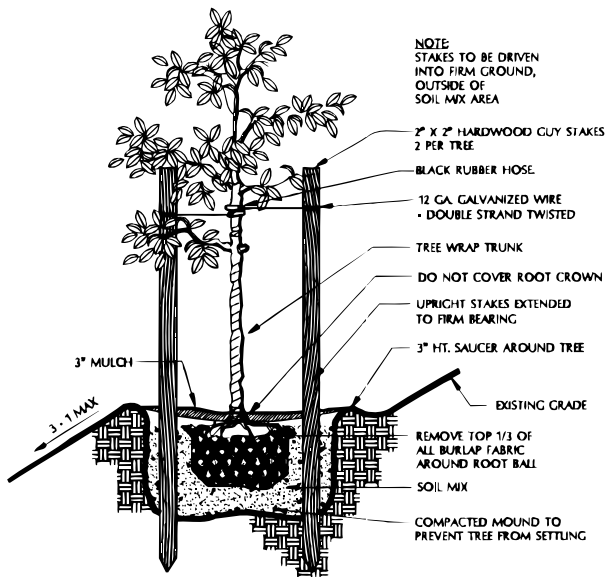
## FALLS COVE RECOMMENDED PLANTING DETAILS



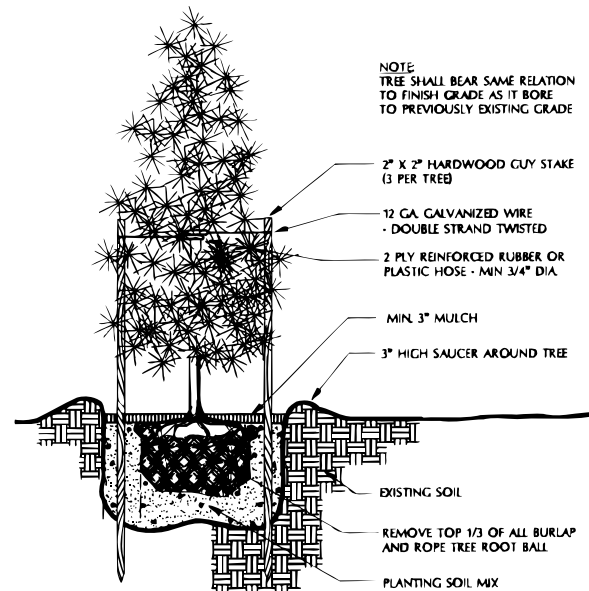
TREE GUYING DETAIL FOR  
LARGE SPECIMEN TREES



TREE PLANTING WITH DRAIN



TREE ON SLOPE



EVERGREEN TREE

**SCHEDULE M**  
**FALLS COVE**  
**SWIMMING POOL**  
**REQUEST FOR REVIEW**

Owner Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Required Materials and Components List (Include colors and attach samples):

Decking: \_\_\_\_\_

Surface: \_\_\_\_\_

Fencing: (Illustrate on the site plan) \_\_\_\_\_

Accessory Structures (i.e. – Poolhouse / Cabana / Grotto – Attach Elevations): \_\_\_\_\_

\_\_\_\_\_

Additional Comments/Explanations: \_\_\_\_\_

\_\_\_\_\_

Contractor Performing Work: \_\_\_\_\_ Phone # \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1"=40') Showing Precise Location of all related improvements, including the Pool, Deck, Pumps and related equipment. All must be placed within the setbacks. All pools must be positioned in the rear of the home. For communities with onsite septic, both the Primary and Repair Septic Drainfield Locations must also be shown. If the septic drainfields are to be revised, then the new configuration must also be depicted, along with the revised Septic Permit.
- Include Elevations of any vertical improvements (i.e. poolhouse or cabana) Drawn to an Acceptable Scale.
- Attach copies of all approvals and/or permits from all applicable Governmental and Regulatory Agencies.

---

**ACC USE ONLY:**

Site Inspection Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Conditional Approval: \_\_\_\_\_ Disapproved: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Authorized ACC Member: \_\_\_\_\_ Date: \_\_\_\_\_



**SCHEDULE N**  
**FALLS COVE**  
**MISCELLANEOUS**  
**REQUEST FOR REVIEW**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Items for Review: \_\_\_\_\_  
\_\_\_\_\_

Materials & Color(s): \_\_\_\_\_  
\_\_\_\_\_

Overall Dimensions: \_\_\_\_\_  
\_\_\_\_\_

Additional Comments/Explanations: \_\_\_\_\_  
\_\_\_\_\_

Lot Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

· Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1" = 40') Showing Accurate Location(s), Limits of Clearing, and Equipment Access Points

· Attach drawing(s) in Plan View & Elevation

· Mail to:

Falls Cove  
Architectural Control Committee  
106 Kapp Place  
Mooresville, North Carolina 28117

ACC Use Only:

Approved: \_\_\_\_\_ Conditionally Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

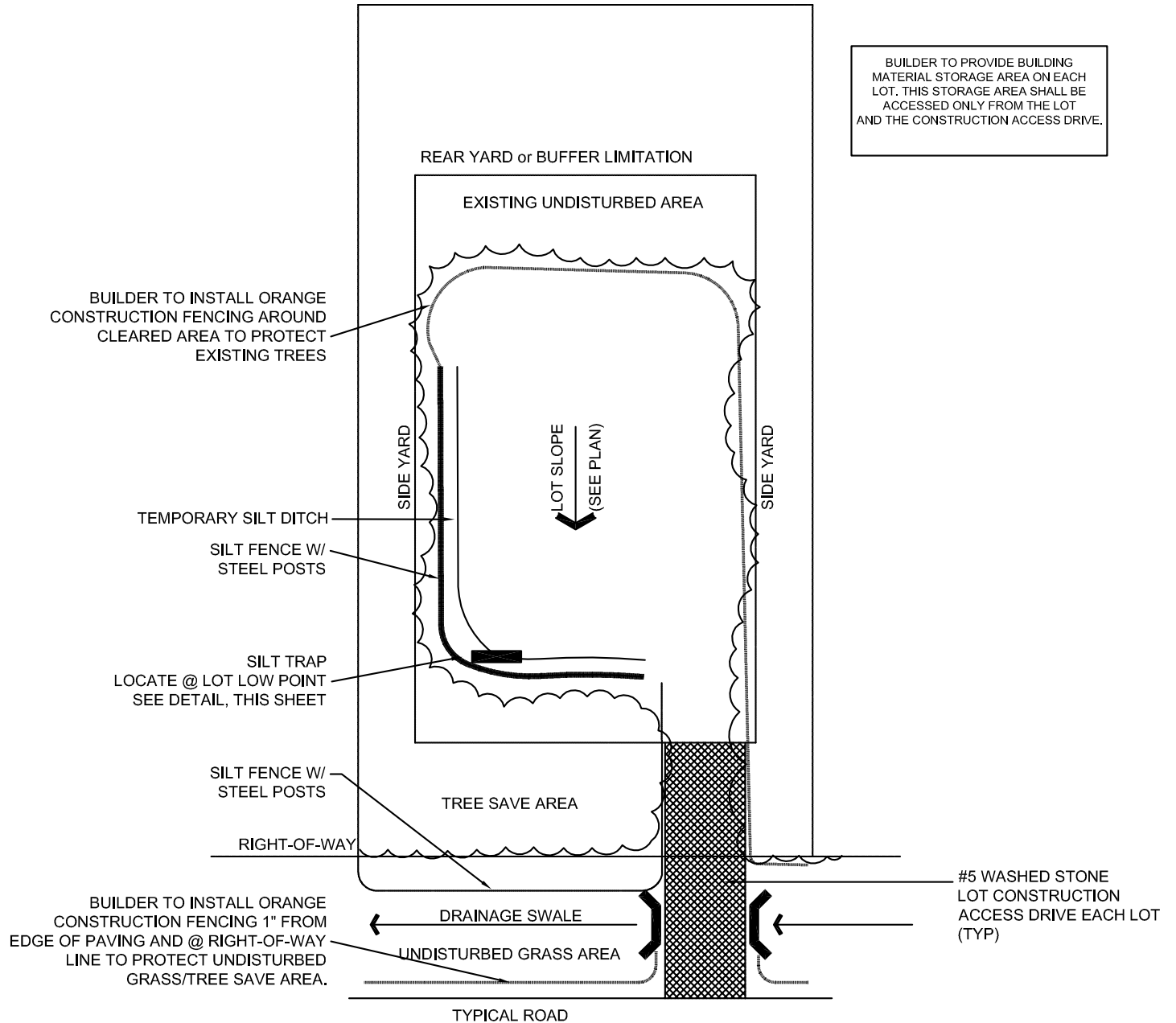
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Falls Cove ACC: \_\_\_\_\_ Date: \_\_\_\_\_



**SCHEDULE O**

**FALLS COVE  
GENERAL EROSION CONTROL NOTES**



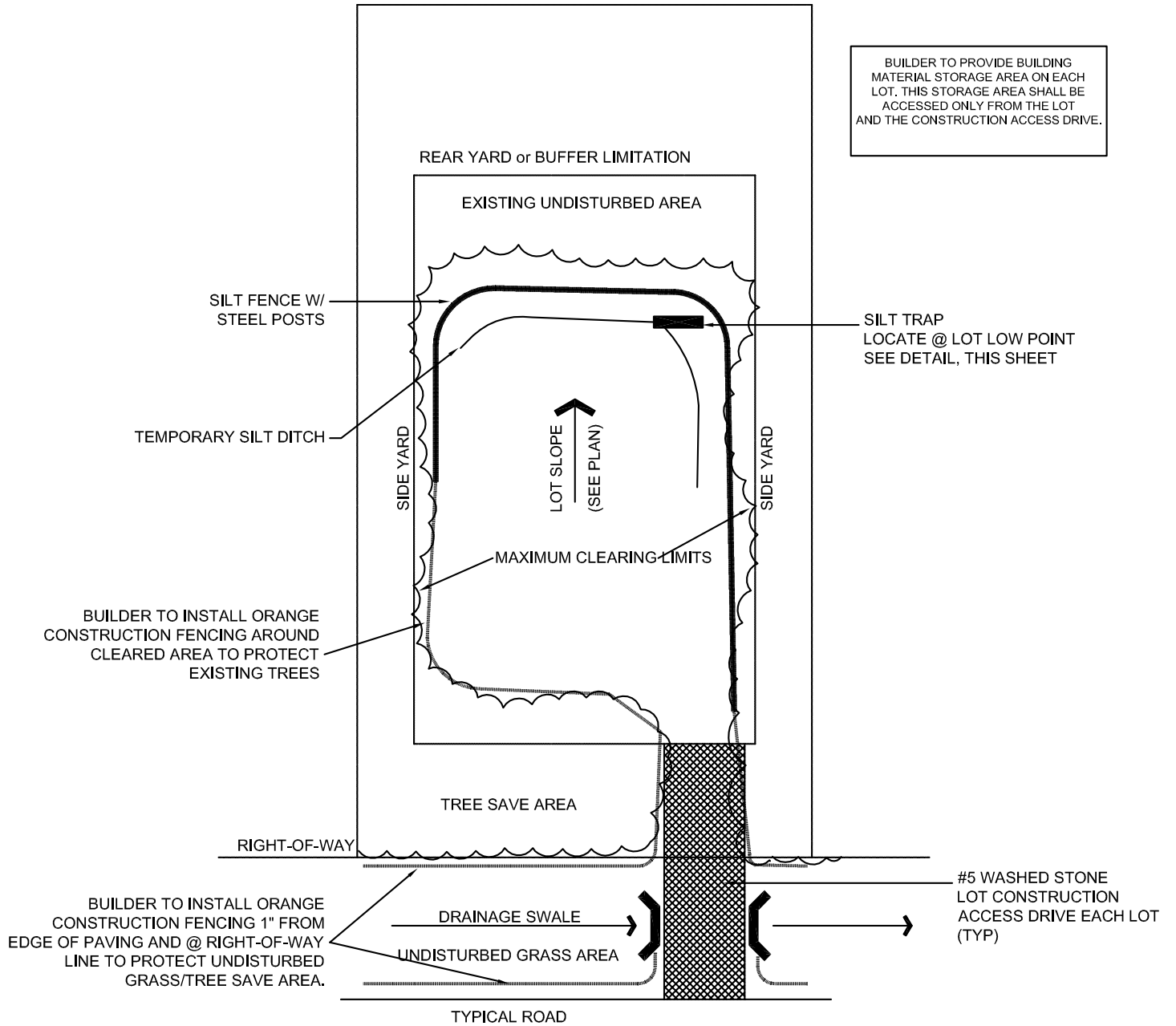
**TYPICAL LOT DEVELOPMENT EROSION CONTROL**

**LOT SLOPING TOWARD STREET**



**SCHEDULE O**

**FALLS COVE  
GENERAL EROSION CONTROL NOTES**



**TYPICAL LOT DEVELOPMENT EROSION CONTROL**  
**LOT SLOPING AWAY FROM STREET**

1. **EROSION CONTROL MEASURES SHALL BE PROVIDED FOR EACH LOT AS IT IS DEVELOPED.**
2. **THE OWNER SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING THE EROSION CONTROL MEASURES FOR EACH LOT OWNED BY SUCH OWNER.**
3. **THE OWNER SHALL INSTALL A 2-3" WASHED STONE CONSTRUCTION ACCESS TO EACH LOT OWNED BY SUCH OWNER. ACCESS TO EACH LOT SHALL BE VIA THIS DRIVE ONLY. THE OWNER SHALL NOT ENCROACH OR ALLOW ANY ENCROACHMENT INTO THE UNDISTURBED GRASS AREA BETWEEN THE BACK OF CURB AND THE RIGHT-OF-WAY LINE WITH MATERIALS OR VEHICLES.**
4. **THE OWNER SHALL PROVIDE A MATERIAL STORAGE AREA ON EACH LOT OWNED BY SUCH OWNER. THIS STORAGE AREA SHALL BE ACCESSED ONLY FROM THE LOT OR THE CONSTRUCTION ACCESS DRIVE.**
5. **THE TYPICAL LOT EROSION CONTROL MEASURES SHOWN SHALL BE FIELD LOCATED AND ADJUSTED TO REFLECT THE FINAL GRADES AND ACTUAL FIELD CONDITIONS OF EACH LOT.**
6. **THE OWNER SHALL PROVIDE MAINTENANCE INSPECTIONS OF ALL LOT EROSION CONTROL MEASURES ON A DAILY BASIS AND AFTER RAINFALL. REPAIRS SHALL BE PERFORMED IMMEDIATELY.**
7. **THE OWNER SHALL AT ALL TIMES REMAIN COGNIZANT OF AND IN OBEYANCE WITH THE RESTRICTION PROHIBITING CLEARING, GRADING OR CONSTRUCTION OF ANY KIND WITHIN THE LIMITS OF THE LAKE BUFFER AREAS.**



**SCHEDULE P**

**FALLS COVE  
HEADWALLS**

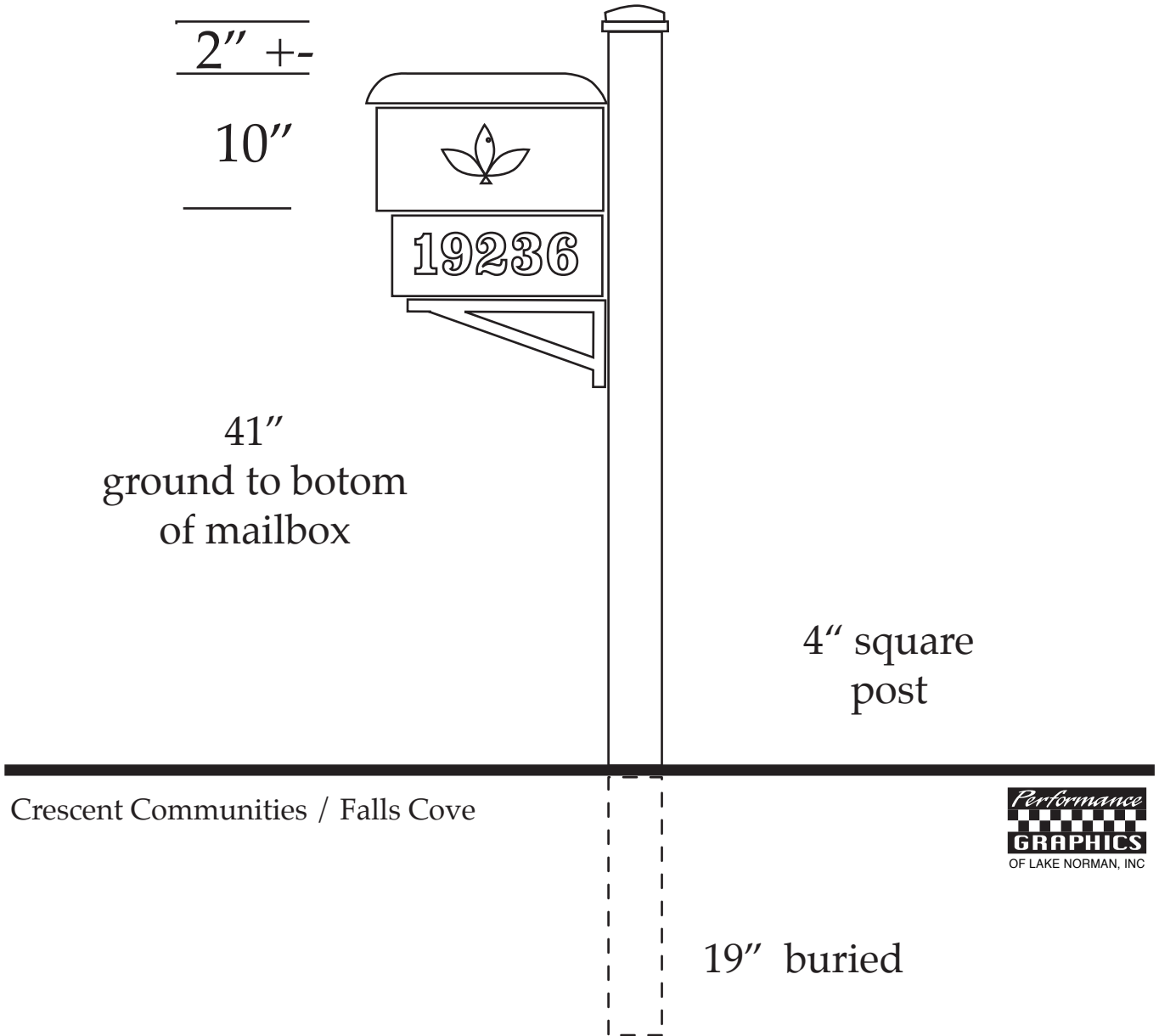


**Available from:**

**Dellinger Precast  
4531 North Highway 16  
Denver, NC 28037  
704-483-2868**

SCHEDULE Q

FALLS COVE  
MAILBOX



Crescent Communities / Falls Cove



19" buried

## SCHEDULE R

### FALLS COVE WINDOW DETAIL GUIDE

## INTRODUCTION

Window trim and detailing on all homes can help to solidify aesthetic appeal. Window trim and detailing on luxury homes is even more important as we get into duplicating true traditional architectural styles or simply making a luxury home as appealing as possible to all potential buyers.

There are many examples of good window detailing in Falls Cove and other Crescent Resources, LLC. Communities. There are also other examples of what not to do. Most of us can tell which architects and builders put a lot of thought into window detailing. It has been argued that it is all a matter of taste, but that is not entirely true. Certain architectural styles of homes lend themselves to certain window detailing. If you get it wrong, the end result can be very disappointing.

Think of each homes' windows as the "eyes" of the home. If they are dull and uninteresting, the home has less character and it becomes dull and uninteresting. Certain architectural elements of each respective home draw your eyes to them. On some it may be a turret staircase, or a grand entrance door. On others it is the roofline - simple or complicated. However, all homes have windows and they are often consciously or subconsciously the main architectural element of the home.

It is with this in mind that this short and hopefully concise book of directives was created. It is intended to help builders and architects concentrate on the importance of window detailing and implement those details in the field.

## I. GENERAL EXAMPLES OF GOOD DETAILING

The following photos illustrate good trim principles. Notice the “faux” windows done with casing and shutters on the first photo.



An example of a gable elevation with correct muntins.



Not-so-great window trim, but excellent use of muntins.



The window trim, muntins, and frieze all combine to make a great package.





This is the way to trim a stucco home.



Notice the substantial reveal between the brick trim and the main body of the home. This should be a minimum of  $\frac{3}{4}$ ".



The total package.



Craftsman/Coastal



Craftsman/Coastal



Craftsman/Coastal

## II. GENERAL EXAMPLES OF QUESTIONABLE DETAILING

All of the following pictures of brick homes have one thing in common: The reveal between the trim and the main body is not sufficient, and the trim gets lost. Also, on these examples there are no muntins, so the house gets that “dead eye” look.



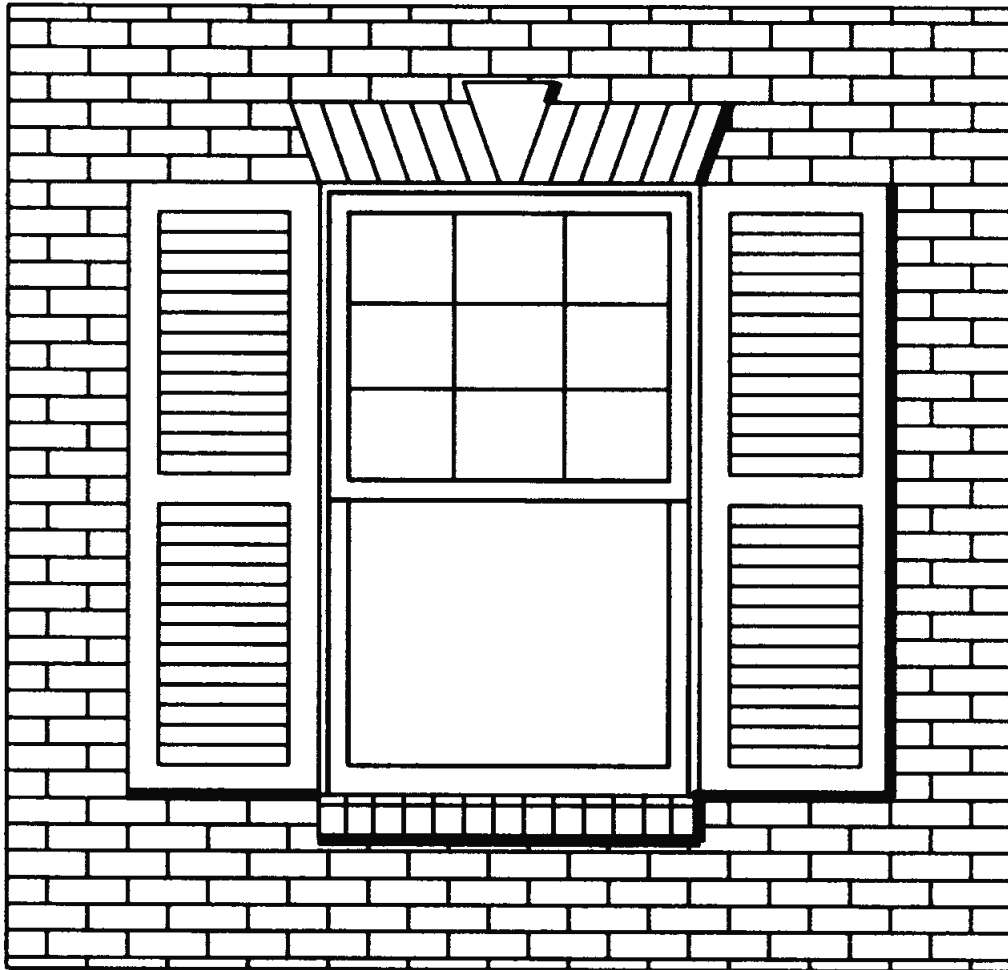




This “single eyebrow” is a common practice with stucco homes, and will no longer be approved by the ACC.

### III. RECOMMENDED DESIGN GUIDELINES FOR WINDOW FENESTRATION AND TRIM

#### Window Trim Types

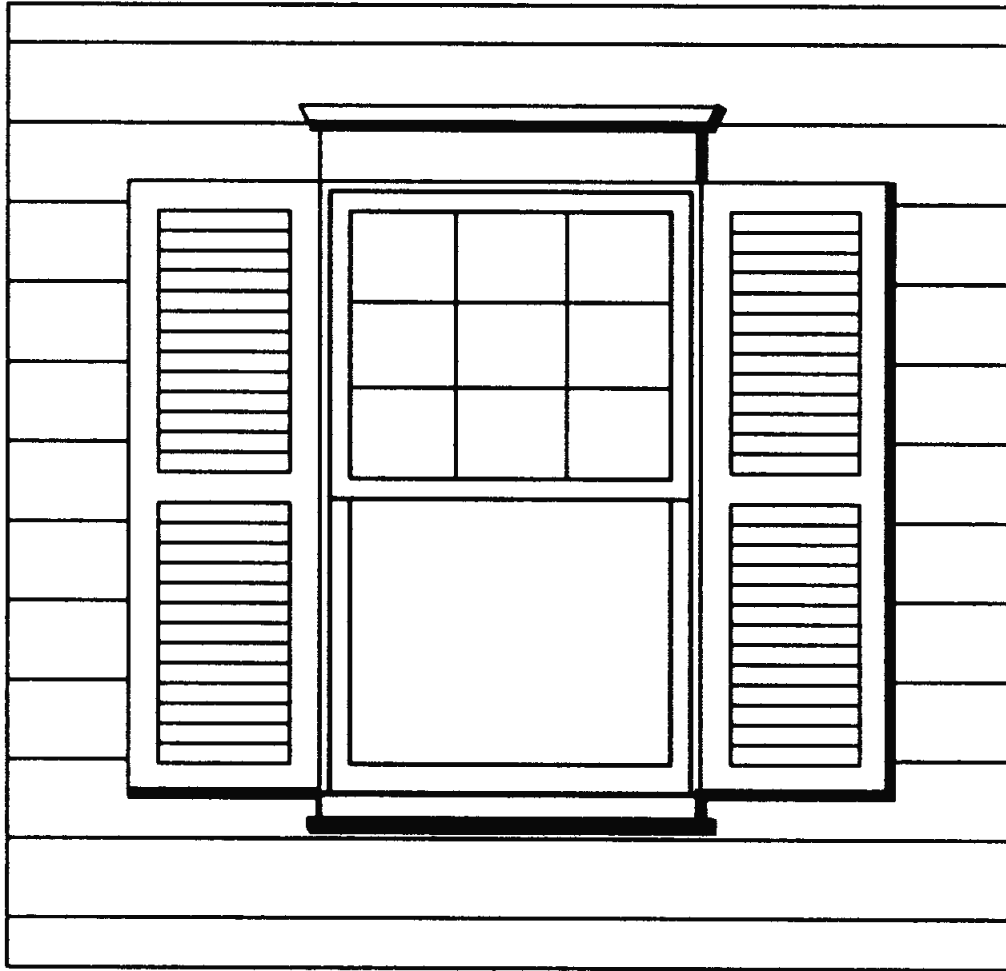


\*\*\* ( | ) JACK ARCH WITH KEYSTONE.  
SHUTTERS SHOWN IN LIEU OF  
JAMB TRIM.

#### 1. Jack Arch with Keystone

This combination is a traditional application on homes that have a timeless architectural style to them.

\*\*\* BRICK MOLD SHOULD BE 3/4" IN FRONT OF FACE BRICK.

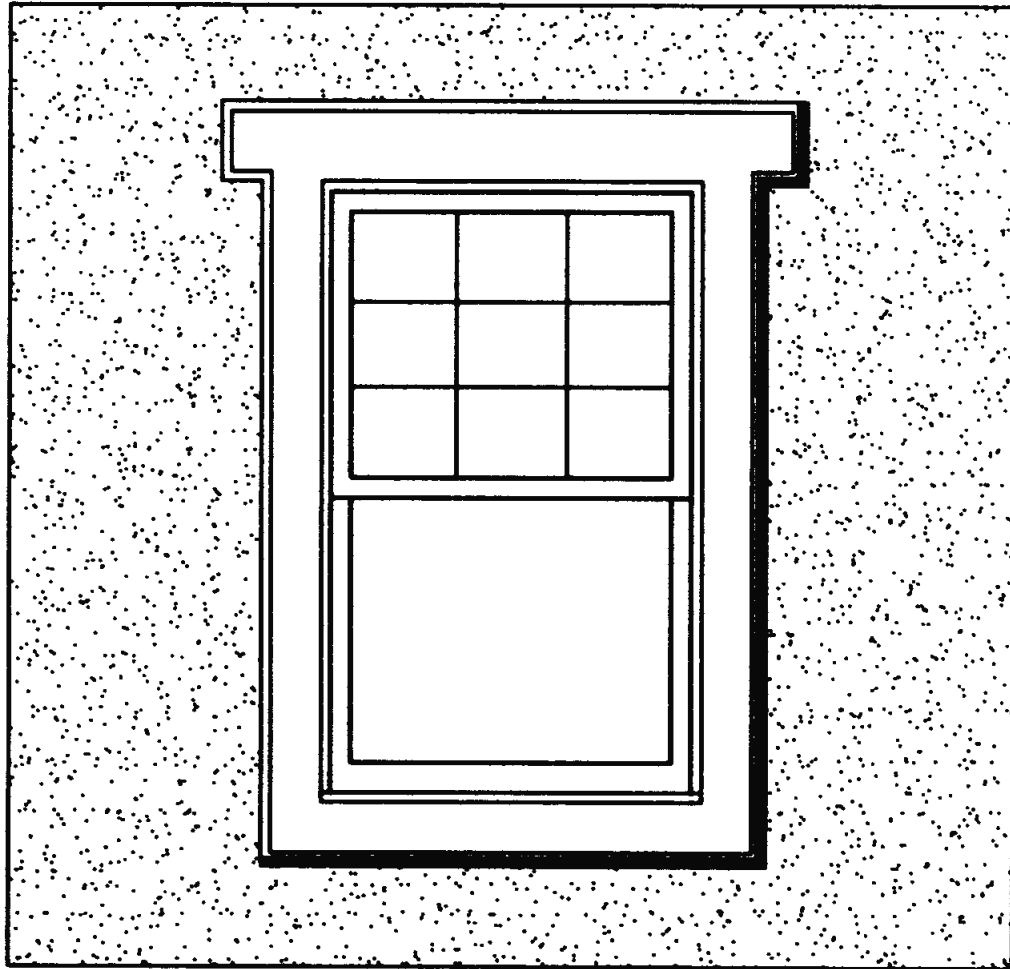


2 WOOD HEAD TRIM.  
SHUTTERS SHOWN IN LIEU OF  
JAMB TRIM.

## 2. Wood Head Trim

Generally the same architecture as style #1, but used with Hardy Plank instead of brick.



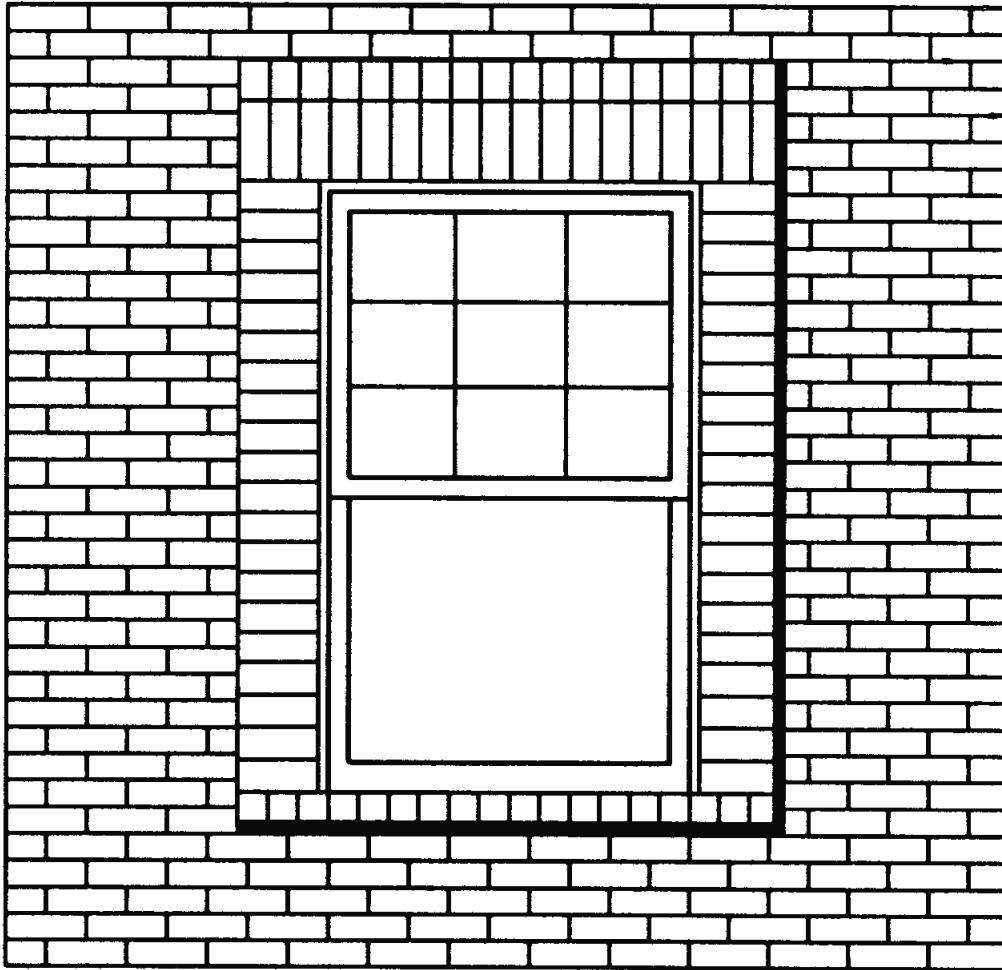


3

FULL STUCCO TRIM ON  
STUCCO FACE.

### 3. Full Stucco Trim

Several stucco homes have window trim consisting of a single “eyebrow” above the window. That is not enough. THIS IS NOW THE MINIMUM STANDARD FOR STUCCO.

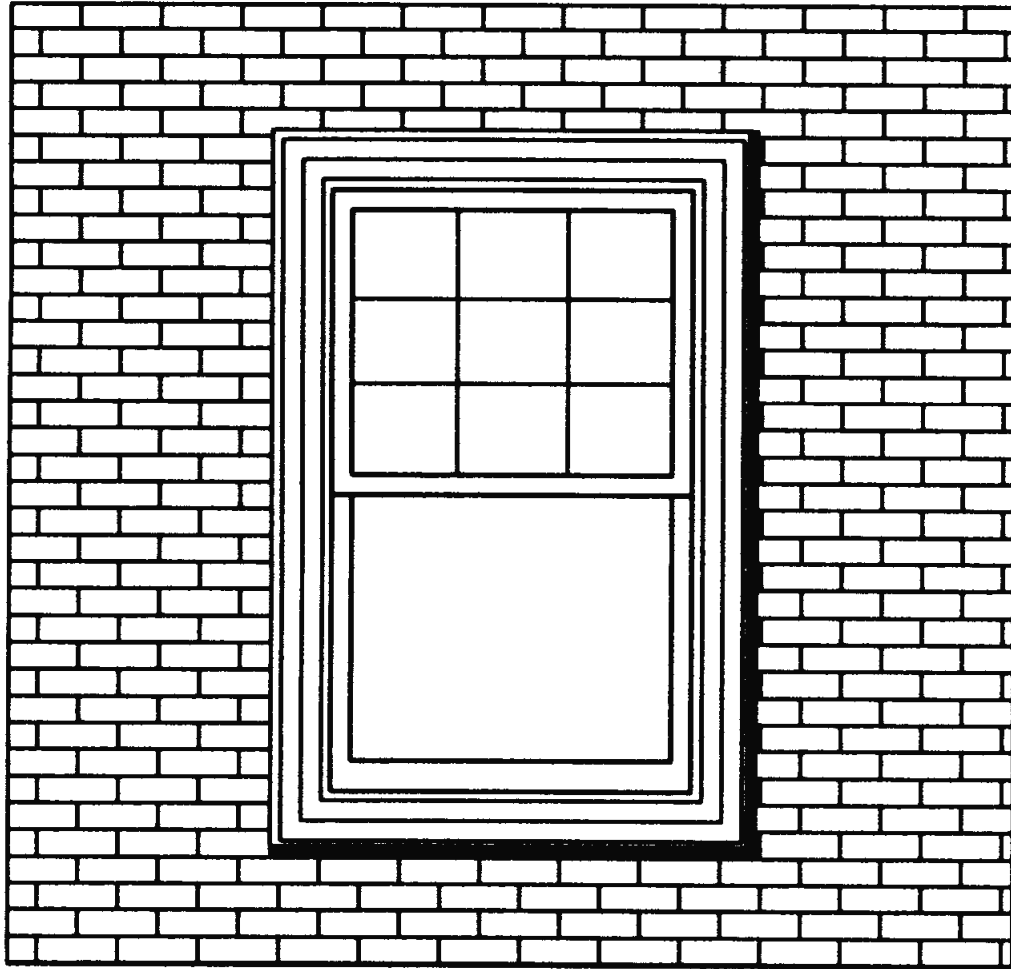


\*\*\* (4) FULL BRICK TRIM.  
COLOR COMPLIMENTARY TO BODY  
OF HOUSE IS RECOMMENDED.

#### 4. Full Brick Trim

This is a prevalent style for brick homes in luxury communities. The common mistake made is twofold: The reveal is insufficient to allow shadows to differentiate between the trim and body of the home, and the sill and header are not connected by side brick trim that has enough massing.

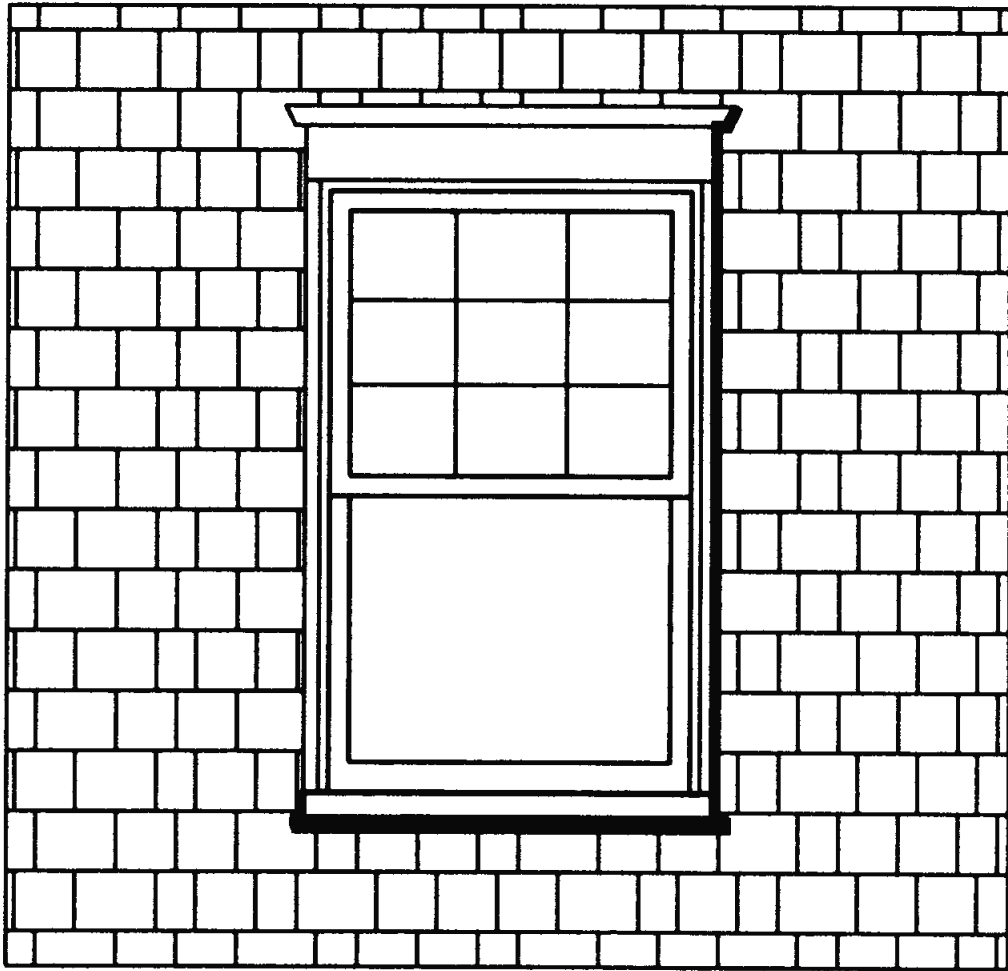
\*\*\* BRICK MOLD SHOULD BE 3/4" IN FRONT OF FACE BRICK.



5 5" BRICK MOLD (MIN.)  
WOOD OR CLAD TRIM.

5. 5" Brick Mold

If you are going to use brick mold in lieu of brick trim, this is your minimum standard.



⑥ WOOD CAP AND SILL.  
GENERALLY FOR SHINGLE STYLE.

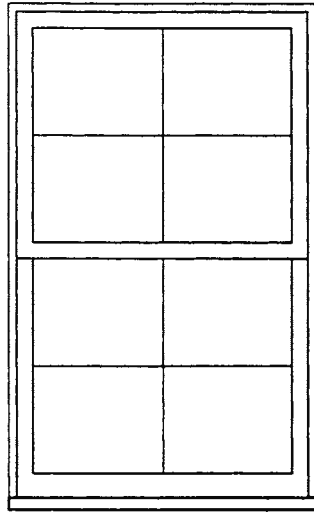
6. Wood Cap and Sill - Craftsman/Coastal Architecture

Speaks for itself. This is a good example of what to do; however the wood cap is optional.

## IV. MULLIONS OR MUNTINS

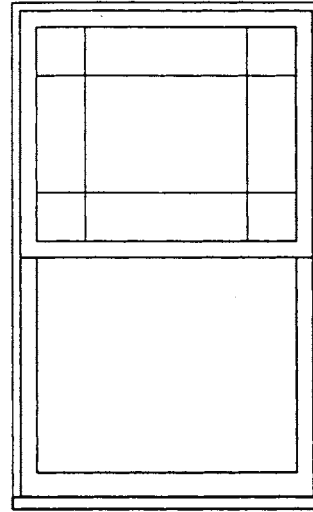
### RECOMMENDED DESIGN GUIDELINES FOR WINDOW FENESTRATION AND TRIM

#### WINDOW GLASS TYPES



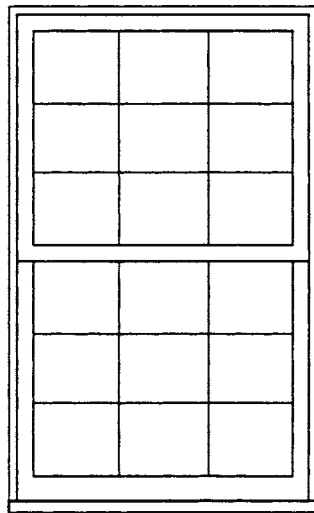
4 OVER 4

(A)



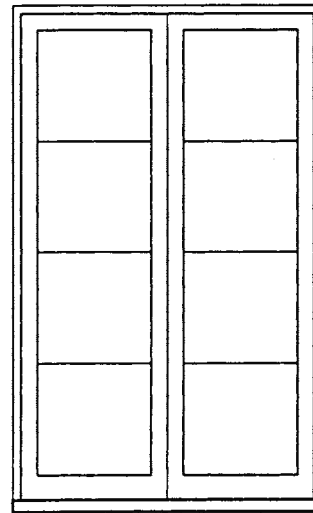
PRARIE STYLE

(B)



9 OVER 9

(C)



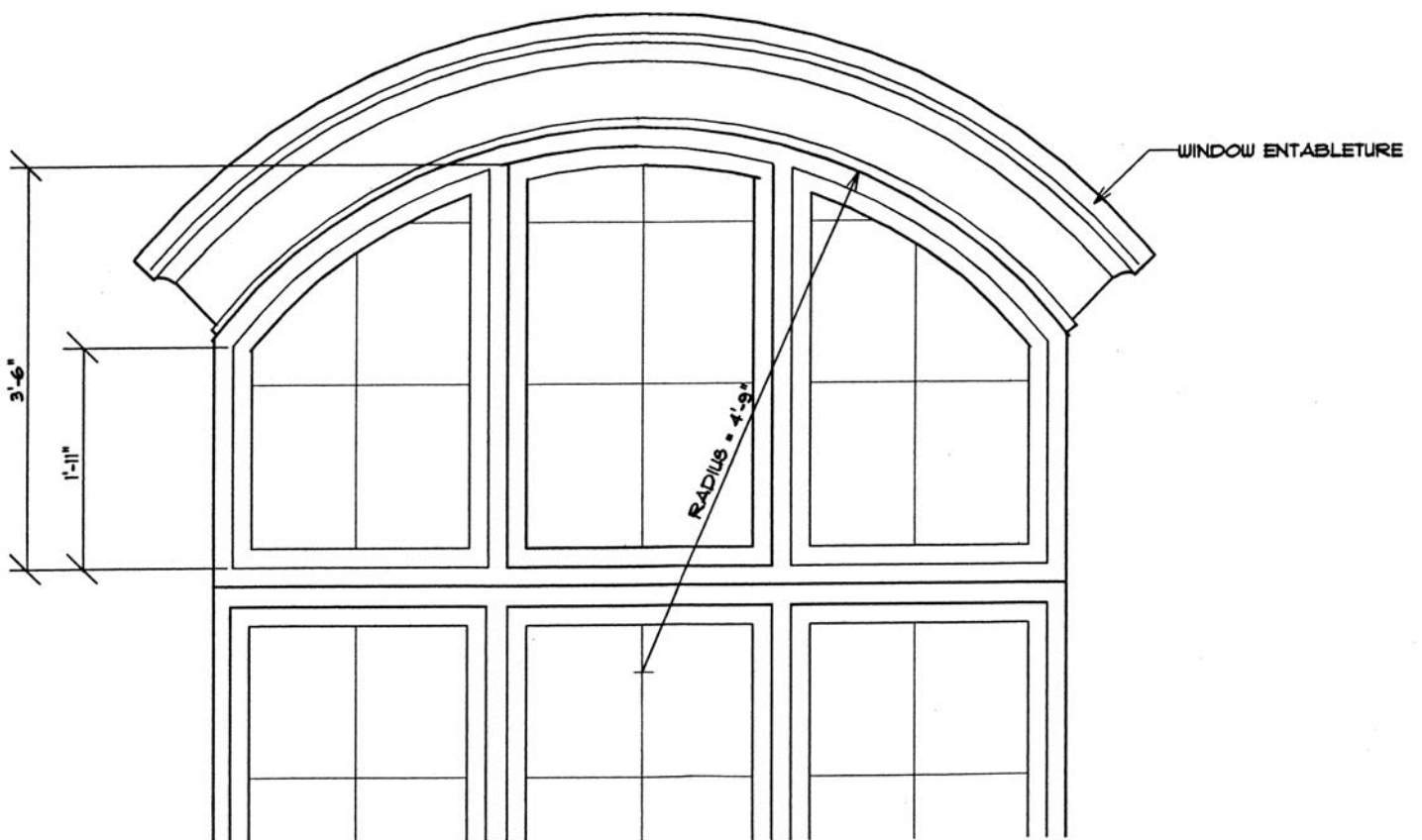
CASEMENT

(D)

1. MUNTINS ARE REQUIRED FOR ALL WINDOWS. CERTAIN "PICTURE WINDOWS" ARE ALLOWABLE IF SPECIFICALLY APPROVED BY THE ACC.
2. GRID PATTERNS SHOULD REFLECT THE STYLE OF THE HOUSE, I.E., THE PRARIE STYLE (TYPE B) SHOULD BE USED ON CRAFTSMAN, CONTEMPORARY OR PRARIE STYLE DESIGNS.

## V. SUBMITTAL REQUIREMENTS

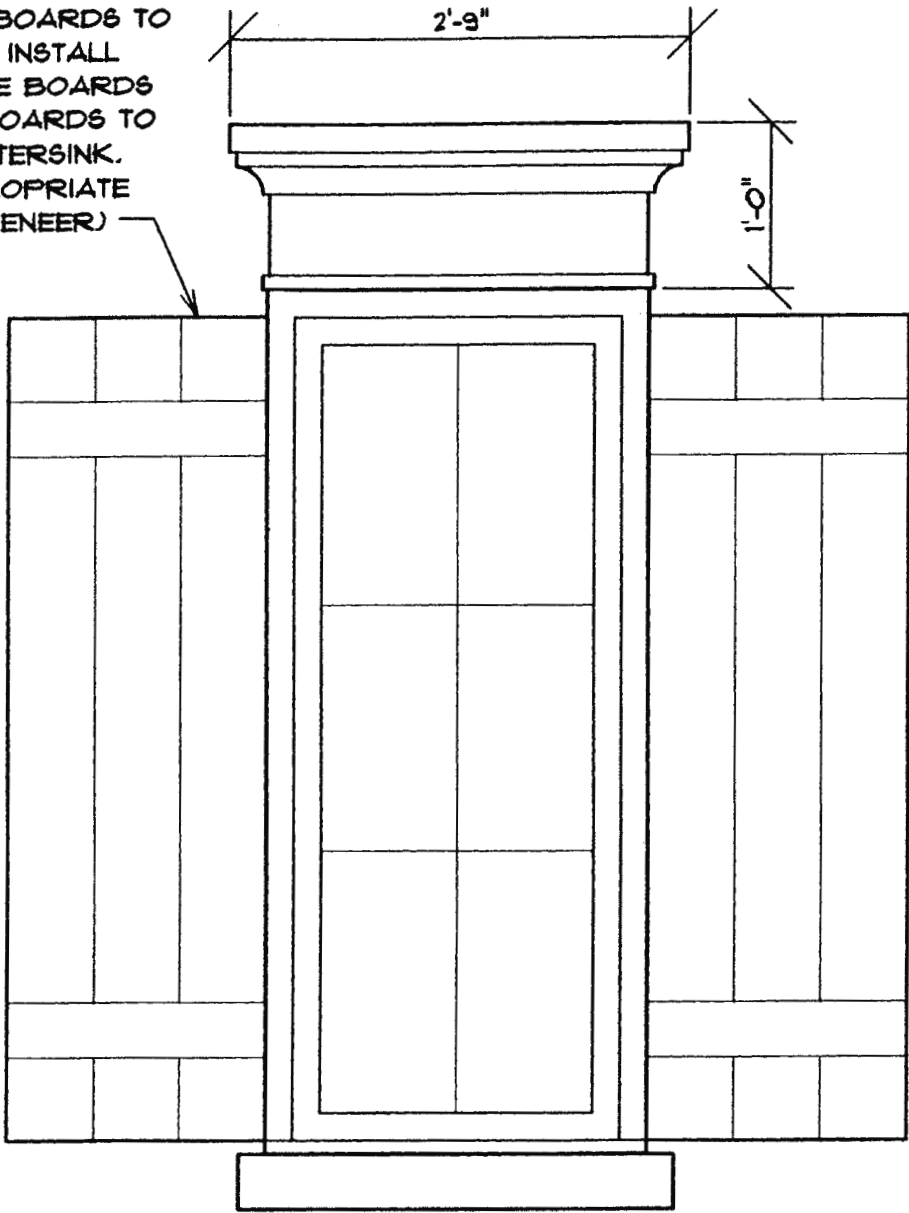
All final home plan submittals will be required to show window details on all plans. The following are examples pulled from correct submittals.



SEGMENTED ARCH TRANSOM DETAIL

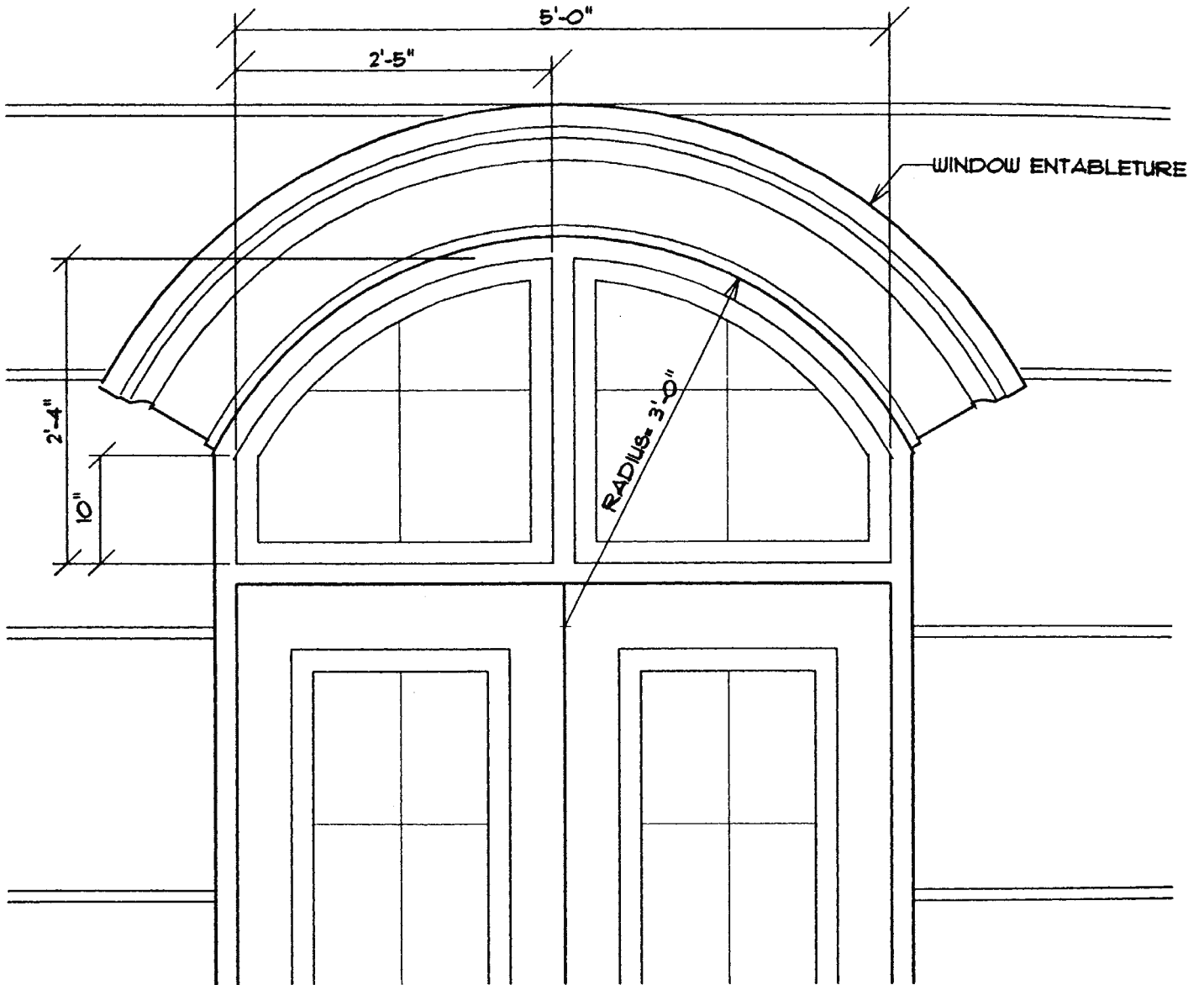
SCALE: 3/4" = 1'-0"

SCREW HORIZONTAL 1 x 6 FACE BOARDS TO VERTICALS, COUNTERSINK & FILL. INSTALL 1 x 6 BACKBOARDS WHERE FACE BOARDS ARE LOCATED. SECURE BACK BOARDS TO HOUSE w/ 3/8" LAG BOLTS, COUNTERSINK. (CONTRACTOR TO VERIFY APPROPRIATE ANCHORS FOR EACH SPECIFIC VENEER)



### SHUTTER/ENTABLETURE DETAIL

SCALE: 3/4" = 1'-0"



**SEGMENTED ARCH TRANSOM DETAIL**  
 SCALE: 3/4" = 1'-0"



**FALLS COVE**  
**AMENDMENT TO**  
**ARCHITECTURAL AND LANDSPACE GUIDELINES**

The undersigned are all of the members of the Architectural Control Committee (the "ACC") for a residential community in Iredell County, North Carolina known as Falls Cove (the "Property"). The ACC was established pursuant to the Declaration of Covenants, Conditions and Restrictions for Falls Cove, dated June 29, 2007 and recorded in Book 1863 at Page 763 in the Iredell County Public Registry (as amended to date, and as it may be amended in the future, the "Declaration").

Pursuant to the authority granted in Sections 8.03(a) and 8.03(b) of the Declaration, the ACC previously has adopted Architectural and Landscape Guidelines dated August 30, 2007 (the "Guidelines"), which govern the development of lots within the Property. Any capitalized term used but not defined in this amendment shall have the meaning given that term in the Guidelines.

Pursuant to the authority granted in Section 8.03(d) of the Declaration, the ACC reserved the right, in the provision captioned "FUTURE AMENDMENTS" on page 2 of the Guidelines, to amend any or all of the provisions of the Guidelines, in its sole discretion. The undersigned members of the ACC desire to amend the provisions of the Guidelines that require the use of Guild Builders in the portion of the Property known as "Parkwood," and hereby adopt the following amendments to the Guidelines by unanimous written consent:

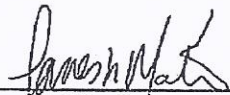
1. The first sentence of Section 1.2 of the Guidelines, and the first sentence of Section 5.2 of the Guidelines, are amended to provide that the Guild Builder requirement shall apply only to the portion of the Property known as "Streamwood," and accordingly, that within the portion of the Property known as "Parkwood," any properly licensed contractor may serve as the general contractor/builder for the construction of Improvements on any Lot, without any requirement that such contractor be in good standing under the Falls Cove Guild Builder Program.

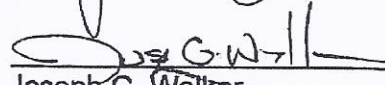
2. Section 1.5 of the Guidelines is amended to delete the requirement that an Owner submit a true and complete copy of its fully-executed contract with a Guild Builder to the ACC as part of its required plan submittals, but only with respect to any Lot within the portion of the Property known as "Parkwood" where the Owner has elected not to use a Guild Builder to construct Improvements.

3. An other reference to a "Guild Builder" in the Guidelines shall be deemed, where applicable, to refer to the properly licensed contractor who may be engaged by an Owner of a lot within the portion of the Property known as "Parkwood" to serve as the general contractor/builder for the construction of Improvements on its Lot.

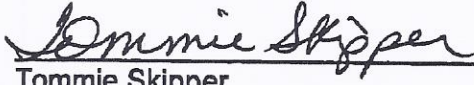
4. Except as expressly amended above, the Guidelines shall remain in full force and effect in accordance with their terms, and are hereby ratified by the ACC.

The foregoing amendments to the Guidelines are effective as of January 1, 2010.

  
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James F. Martin

  
\_\_\_\_\_  
Joseph G. Walker

  
\_\_\_\_\_  
Creighton Call

  
\_\_\_\_\_  
Tommie Skipper

**FALLS COVE**  
**SECOND AMENDMENT TO**  
**ARCHITECTURAL AND LANDSCAPE GUIDELINES**

The undersigned are all of the members of the Architectural Control Committee (the "ACC") for a residential community in Iredell County, North Carolina known as Falls Cove (the "Property"). The ACC was established pursuant to the Declaration of Covenants, Conditions and Restrictions for Falls Cove, dated June 29, 2007 and recorded in Book 1863 at page 763 in the Iredell County Public Registry (as amended to date, and as it may be amended in the future, the "Declaration").

Pursuant to the authority granted in Sections 8.03(a) and 8.03(b) of the Declaration, the ACC previously has adopted Architectural and Landscape Guidelines dated August 30, 2007 (the "Guidelines"), which govern the development of lots within the Property. Any capitalized term used but not defined in the amendment shall have the meaning given that term in the Guidelines.

Pursuant to the authority granted in Section 8.03(d) of the Declaration, the ACC reserved the right, in the provision captioned "FUTURE AMENDMENTS" on page 2 of the Guidelines, to amend any or all of the provisions of the Guidelines, in its sole discretion. The undersigned members of the ACC desire to amend Section 4.14 and hereby adopt the following amendment to the Guidelines by unanimous written consent:

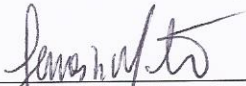
1. Section 4.14 is amended to read as follows:

Falls Cove Development, LLC shall provide to each Lot Owner, at Lot Owner's expense, and each Lot Owner shall install and maintain, at Lot Owner's expense, a standard mailbox/newspaper box for such Owner's use on such Owner's Lot. All mailbox/newspaper boxes must be of a standard color, size and design as approved by the ACC. No other mailbox/newspaper box shall be erected or maintained on any Lot. The mailbox/newspaper shall be located on either side of the driveway as approved by the ACC, preferably on the side closest to the side Lot boundary line.

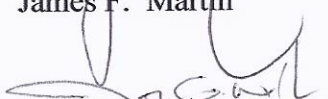
Neither Falls Cove Development, LLC, nor the Falls Cove Property Owners Association, Inc., shall be responsible for the installation or maintenance of any mailbox/newspaper boxes or for damage to any mailbox/newspaper boxes by errant drivers, including construction traffic.

2. Except as expressly amended above, the Guidelines shall remain in full force and effect in accordance with their terms, and are hereby ratified by the ACC.

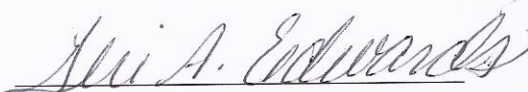
The foregoing amendments to the Guidelines are effective as of January 23, 2014.

  
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James F. Martin

  
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Joseph G. Walker

  
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Teri A. Edwards