

## INTRODUCTION

### 1. BACKGROUND AND PURPOSE

These Design Review and Landscape Guidelines (the "Guidelines") for the residential community known as "The River Club" are contemplated in and are promulgated pursuant to the Community Charter for The River Club (the "Charter"). The Charter applies to all lots in The River Club and provides for standards of architecture, maintenance, use and conduct in order to preserve and enhance the overall community. Chapter 5 of the Charter requires review and approval of plans and specifications for all proposed construction, landscaping and modifications on lots in The River Club prior to commencing any such activity, except as otherwise provided in that chapter.

Crescent River, LLC (the "Founder"), as the developer of The River Club, has established these Guidelines to facilitate the review process by providing direction to Owners and their contractors in planning, design, and construction of, and modifications to residences, landscaping, and related improvements on lots in The River Club. These Guidelines are intended to facilitate the review process, but are not the sole basis for decisions on architectural matters. Compliance with these Guidelines, though required, does not guarantee approval.

The Guidelines consist of three components:

- I. Design Review Guidelines
- II. Landscape Guidelines
- III. Construction Rules

### 2. INTERPRETATION

All defined terms used in the Guidelines, as indicated by initial capitalization, shall have the same meaning ascribed to such terms in the Charter, unless otherwise specifically defined.

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

### 3. REVIEW AUTHORITY

Pursuant to the Charter, architectural control and design review is handled by either (i) the Founder or its designee, or (ii) the Design Review Committee ("DRC") appointed by the board of directors of The River Club Community Association, Inc. ("Association"). The Founder has exclusive authority over architectural review during the Development and Sale Period and until all lots planned for the community are improved with completed residences. The Founder may delegate authority over certain aspects of review to the Reviewer, and either of them may use architects, engineers, or other professionals to assist in such review. The term "Reviewer," as used in these Guidelines, refers to the entity responsible for review of a particular matter at any given time.

### 4. DESIGN PHILOSOPHY

The design philosophy for The River Club is presented in The River Club Pattern Book ("Pattern Book"), a separate document that includes siting, landscaping, and architectural examples of how to approach the design process. The Guidelines have been developed as a supplement to the Pattern Book to implement the design philosophy of The River Club, namely, to blend structures, a golf course, 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 The River Club Property.

The primary emphasis of The River Club is on quality of design and compatibility among all improvements. No residence, structure, or other improvement should stand apart in its:

1. Siting,
2. Design, or
3. Construction,

so as to detract from the overall environment or design intent of The River Club. The DRC will be open to and encourage creativity, innovative use of materials and design. Unique methods of construction will be considered as long as the final result is consistent with the spirit of the Guidelines and the guiding design philosophy of The River Club.

Each lot is unique and directs the design. This is the single most important factor in starting the design process. The Pattern Book presents the process of selecting the appropriate design approach based on lot characteristics such as topography, vistas, lot size, tree quality and other features. Many different styles or periods of architecture are presented in the Pattern Book. The overall theme is based on historical styles that have consistently stood the test of time for design quality and integrity. The architectural examples included in the Pattern Book provide the inspiration for the designs that are expected for The River Club.

The Guidelines have been established to provide Owners and their architects, designers and builders

and any subcontractor (including landscaping and pool) with a set of parameters for the preparation of plans, specifications and drawings for the construction of residences and related improvements on lots in conjunction with the Pattern Book. Each Owner and each Owner's building team should become familiar with the Pattern Book, the Guidelines and the process for the submittal, review and approval of building plans and specifications and landscape plans and specifications ("Plans and Specifications"). Owners and their builders are encouraged to consult the Reviewer with questions regarding the application of the Guidelines to the Owners' design concepts prior to the initiation of any design work.

The Reviewer's role is to explain and assist in the design review process as well as to review, approve, or disapprove Plans and Specifications. It is the Reviewer's objective to maintain a pleasing aesthetic relationship of building to site and building to building. The Reviewer will use the Pattern Book and the Guidelines for the purpose of reviewing each design, but the Reviewer may consider creative and innovative approaches in order to address special site conditions or circumstances, provided such approaches are permitted under the Charter and are otherwise consistent with the spirit of the Pattern Book and the Guidelines. The Reviewer may retain advisory design professionals to aid in the review of Plans and Specifications.

#### **DESIGN GUILD**

The Founder has created a list of professionally licensed architects and residential designers who have been approved to provide design services for all houses constructed in The River Club (the "Design Guild"). The members of the Design Guild have been selected based on the visual aesthetics of their designs and their experience in the field of residential design. A member of the Guild must prepare all designs for The River Club. Additions to the Design Guild will be considered on the basis of their design portfolio, references and review by the Founder. Each member of the Design Guild is responsible for adhering to the design philosophy established by the Pattern Book and Design Guidelines.

#### **FUTURE AMENDMENTS**

The Founder may amend these Guidelines as long as it has any reviewing authority under the Charter. Thereafter, the DRC may amend them. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or in progress. It is the responsibility of the Owners to ensure that they have the most current edition of these Guidelines.

## I. DESIGN REVIEW GUIDELINES

### 1. PROCEDURES AND APPROVALS

#### • 1.1. Architectural Review Process.

Prior to the commencement of any construction activity of any type (including land disturbance of any type) on any Lot, an Application for Approval (using a form to be obtained from the Reviewer) of such work must be submitted by the Owner or such Owner's designated agent to the Reviewer. No work shall commence until the Reviewer has received, reviewed and approved the information and documentation required to be submitted under Section 1.3 "Design Review Procedure". Also, all design and construction escrow fees required under these Architectural and Design Guidelines must be paid to the Reviewer at the closing and prior to commencement of any such work. Submittals for review will be accepted after closing and collection of fees have occurred.

#### 1.2. Pre-Application Procedure.

Each Owner shall select and contract with a member of The River Club Builders Guild (as described in Section 5.2) to serve as builder and general contractor for the construction of Improvements on such Owner's Lot. Such Builder shall be responsible for ALL construction activity on the Lot.

The Atlanta Regional Commission, ARC, and Gwinnett County and its planning department have jurisdiction over the community at The River Club. The ARC'S jurisdiction is applicable to all lots within the 2000 foot River Corridor as established by the ARC. Each Owner or a representative of each Owner should contact representatives of Gwinnett 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 Gwinnett County. Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Owner and the Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of Gwinnett County and other governmental and quasi-governmental authorities will satisfy all requirements of the Reviewer.

#### 1.3. Design Review Procedure.

The successful completion of the design review procedure under the Design Review Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Design Review Guidelines and by reviewing and following the process described below. The review process has been structured to

achieve a smooth and timely review from preliminary plan submittal to final site visit 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 River Club sales office to receive the benefit of the review and comments of personnel in The River Club sales office prior to submitting such Building Plans and Specifications to the Reviewer. An extra copy of the final approved Building Plans and Specifications submittal is to be delivered to the sales office for future reference by sales office personnel. The review of the Building Plans and Specifications by personnel in The River Club sales office helps to insure the design quality and marketability of homes within The River Club community.

The following represents the necessary procedures for the process of constructing any improvements on a lot in The River Club:

- Select your builder and Design Guild Members.
- Visit the Lot to evaluate the Lot characteristics
  - in accordance with Section 2 Site Planning.
- Based on Reviewer requirements, the Pattern Book imagery and Lot characteristics analysis, prepare preliminary plans and submit to the Reviewer
- Based on the Reviewer comments on the preliminary plans, revise the plans and prepare the final design documents and submit to the Reviewer.
- Upon approval of the final design documents, request a site and clearing visit.
- Within seven (7) days of the request, a site visit will be conducted with the builder to confirm the location of the house on the lot and the amount of clearing in accordance with the approved final design documents.
- Proceed with clearing and foundation layout based on the approved final design documents.
- Prior to pouring any concrete request a foundation check from the Reviewer.
- Proceed with construction based on the approved final design documents and the foundation check review comments.
- Prior to framing submit a foundation survey prepared by a land surveyor registered in the

State of Georgia confirming compliance with all prior approvals.

- Submit exterior colors and landscape plans \* and specifications to the Reviewer.
- Based on the Reviewer comments revise colors and landscape plans and specifications and submit to the Reviewer.
- Prior to any driveway or walkway construction request a driveway location visit from the Reviewer.
- Request a final visit to review all improvements for confirming compliance with all previous approvals at least 10 days prior to closing.
- Reviewer will conduct a final visit to review the completed improvements. The builder will be given a memo describing any corrective or additional work required in order to comply with the intent of the previous approvals and the Design Review Guidelines.
- Ready for occupancy.
- Reviewer will conduct a follow up visit to confirm compliance with any corrective or additional work required by the final visit.
- Addressed more particularly in the Landscape Guidelines in Part II.

Please note the Builder is required to make all submittals to the Reviewer.

The Reviewer has established a schedule for submittal of Site Plans, Building Plans, and Specifications (the "Plans"), review of the Plans, and meeting with the Owner or the representative of the Owner to discuss any questions or concerns of the Reviewer relative to the Plans. The established schedule permits a timely review of the submitted Plans and allows Owners and their representatives to accurately plan their schedules. The Reviewer has established each Wednesday for design review meetings and visits. The Plans shall be submitted by the Owner or the Owner's representative to the Design Review Coordinator Phone Number: 678-482-2174 at the River Club office by 12:00 pm two days prior to the scheduled design review meeting. Each submittal of the Plans must be accompanied by a completed Application for Review form, and two (2) complete sets of the Building Plans and Specifications for Custom designs and four (4) sets if the residence is to be built "on speculation". The Reviewer has a review meeting once a week to review the Plans that have been submitted since the most recent design review

meeting. Each Owner that has submitted Plans for review is encouraged, although not required, to attend the design review meeting at which such Owner's Plans will be reviewed to respond to any questions that the Reviewer may have relating to such Owner's Plans. Appointments for design review meetings can be made by contacting the Design Review Coordinator.

Each Owner will be charged a Processing Fee for the review of such Owner's Plans. The Processing Fee, which is Six Hundred Fifty Dollars (\$650.00), shall be paid by check at closing and shall be made payable to the Reviewer. The Reviewer shall have the right to increase the amount of the Processing Fee from time to time as stated in the-Charter and these Guidelines. The Processing Fee is intended to partially cover the expense incurred by the Reviewer in reviewing Plans, including • the cost of compensating any consulting architects, landscape architects, engineers, urban designers, inspectors, or attorneys retained by the Reviewer. Designs that are required to be resubmitted more than once for review shall be subject to a new processing fee of Six Hundred Dollars Fifty Dollars (\$650.00).

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

Design Review Coordinator  
The River Club  
5090 Hutchins Ferry Road  
Suwanee, GA 30024

#### 1.4. Recommended Preliminary Plans and Specifications Review, (the "Plans").

The Reviewer encourages Owners and builders who are building in The River Club community for the first time to participate in the preliminary Plan review process. The preliminary Plan review process may help avoid unnecessary expense and delay by expediting later phases of the Plan review process. The Reviewer will review with the Owner or the Owner's representative proposed design approach to confirm general compliance with the Pattern Book and the Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Plan review process, two copies of a completed site plan and the architectural drawings for the proposed improvements (as outlined in the enclosed Application for Preliminary Design Review form, a copy of which is attached as Schedule A) shall be included as part of the preliminary Plan submittal. The preliminary Plan submittal shall also include a completed Application for Review.

The Reviewer shall review the preliminary Plans and return them to the Owner marked "Reviewed, No Exceptions Noted", "Reviewed, With Exceptions Noted"

or "Resubmittal Required", as the case may be. As to any preliminary Plans that are marked "Reviewed, No Exceptions Noted" or "Reviewed, With Exceptions Noted" by the Reviewer, final Plans produced thereafter must be in substantial conformity therewith; provided, however, the Reviewer's approval of preliminary Plans shall in no way bind or obligate the Reviewer to approve the subsequent final Plans that do not comply with the intent and spirit of the Pattern Book and the Design Guidelines.

The Reviewer may refuse to approve preliminary Plans or any component(s), including, without limitation, the location, style, exterior 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 Reviewer.

#### 1.5. Required Final Building Plans and Specifications Review (the "Plans")

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

Two (2) complete sets for custom designs and four (4) sets for speculative designs of the final Plans must be submitted to the Reviewer. In addition, the following items must be submitted to the Reviewer as a condition to the final Plan review process:

- 1) The landscape/construction escrow deposit (the "Landscape/Construction Escrow Deposit"), as set and determined by the Reviewer as of the date the final Plans are submitted. The Landscape/Construction Escrow Deposit is currently Two Thousand Five Hundred Dollars (\$2,500.00) per Lot per speculative design with a maximum of Ten Thousand Dollars (\$10,000.00). The Landscape/Construction Escrow Deposit shall be paid by check made payable to Crescent River, LLC. The landscape/Construction Escrow Deposit will be held by the Property Owners Association and used for the purposes set forth in the Construction Rules. The maximum Landscape/ Construction Escrow Deposit required from any one builder in The River Club community will be Ten Thousand Dollars (\$10,000.00).
- 2) 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 Reviewer 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 Owner has assumed responsibility for construction of the

Common Driveway. In the event the Lot will share a Common Driveway and no other 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 Crescent River, LLC ("Crescent"), or its successor or assign as developer of The River Club, for the prorata share of the total cost attributable to the other Lots served by the Common Driveway. Crescent shall receive reimbursement for such amount from the Owners of the other Lots served by the Common Driveway at the time they acquire title to their respective Lots. The Common Driveway installation and maintenance costs will be shared equally among the Lots served.

- 3) A true and complete copy of a fully executed contract for construction of the proposed improvements between the Owner and an approved builder. 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 an approved 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.
- 4) Evidence that the Owner (or if the Owner is an approved builder with a prospective purchaser, that the builder's prospective purchaser) has executed at least one of the following The River Club documents:
  - a) Lot Purchase and Sale Agreement;
  - b) The River Club/Builder Purchase and Sale Agreement (in the case of a sale of a Lot directly to a builder);
  - c) Home Purchase and Sale Agreement; or
  - d) Request for Waiver of Right of First Refusal.

The required evidence of compliance with this requirement shall be the delivery to the Reviewer of a counterpart fully executed original of each such document.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the Reviewer, one (1) set of the final Building Plans and Specifications shall be returned to the Owner marked "Resubmittal Required", accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the Reviewer. If the first resubmittal of final Building Plans and Specifications occurs more than six (6) months from the original submittal of the final Building Plans and Specifications, such resubmittal shall be accompanied by another Processing Fee (\$650.00); also, a resubmittal of final Building Plans and Specifications in excess of two (2) submittals shall be accompanied by a processing fee of (\$1,300.00). The resubmitted Plans shall be subject to any amendments to the Guidelines that may have occurred since the original review.

At such time as the final Building Plans and Specifications are approved by the Reviewer, one (1) complete set of the approved final Building Plans and Specifications for custom designs shall be retained by the Reviewer and the other complete set of the approved final Building Plans and Specifications shall be marked "Reviewed. No Exceptions Noted" or "Reviewed. With Exceptions Noted" and returned to the Owner, along with a written statement with design comments. For speculative designs, two (2) complete sets of approved final plans shall be retained at the sales office.

As part of any approval, the Reviewer may require that construction commence within a specified time period. If construction does not commence within the required period, the approval of such final Building Plans and Specifications by the Reviewer shall be deemed rescinded. In the event of any such rescission of the Reviewer's approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of improvements on such Lot may be commenced only after resubmission of final Building Plans and Specifications and a \$650.00 processing fee to the Reviewer for approval and approval of such final Building Plans and Specifications by the Reviewer.

Any modification or change to the "Approved" set of final Building Plans and Specifications must be submitted in triplicate to the Reviewer 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 Reviewer may require the Owner to pay an additional review fee in connection with any submittal of substantial modifications or changes to previously approved final Building Plans and Specifications.

#### 1.6. Lot Staking, Site Visit and Approval to Commence Work

Once final Building Plans and Specifications approval has been granted by the Reviewer, the Owner or the Owner's representative shall stake the Lot for review and approval by the Reviewer prior to commencing any construction work thereon (including grading work). The Owner or the Owner's representative must clearly stake the proposed house "footprint", decks, patios, terraces and other hardscape improvements not within the house footprint and property lines and, if applicable, pool and tennis court location. Staking shall be with a continuous ribbon locating each corner of the footprint and another ribbon encircling the area to be cleared. All trees that are to be cleared shall be ribboned individually or in groups when trees are clustered. Tree save areas of large deciduous trees shall be protected with a tree save barrier located at the drip line of the tree unless otherwise required by the Reviewer. The entire area beneath the tree drip line shall be mulched with a minimum of 3" of mulch and protected from any and all traffic. The proposed finished floor elevation of the basement slab, 1<sup>st</sup> floor sub-floor and garage slab will also be staked. All vertical elevations will be confirmed by comparing the established top of curb elevations at the property lines as shown on the marketing site plan for each lot with the approved site plan proposed elevations. After such staking of the Lot has been completed, the Owner or the Owner's representative shall request the Reviewer to make a site visit prior to the commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the Reviewer is to ensure compliance with the approved Building Plans and Specifications to prevent any unnecessary damage to specimen trees and other unique site features. 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;
- General grading;
- Finish floor elevations;
- Placement of excavation materials;
- Protection of water meter and sanitary sewer boxes;
- Protection of tree save areas by approved "tree save barrier";
- Protection of specimen trees by "tree save fence".
- Location of construction entrances;  
(30"W x 60"D Min.)
- Location of street trees;
- Location of temporary toilet;
- Location of trash containers; and

Erosion control measures (fencing and hay bales as required).

Site visits by the Reviewer shall be made based on the Reviewer schedule. Requests are advised to be made on the date final design approval is given. Written authorization by the Reviewer to proceed with the Lot clearing and construction work will be issued to the Owner or to such Owner's builder by the Reviewer promptly after the site visit is completed or, if concerns are detected during the site visit, written notification of such concerns shall be given to the Owner or such Owner's builder by the Reviewer promptly after the site visit is completed. No clearing or construction activities may be commenced prior to issuance of the site visit approval by the Reviewer. The Reviewer 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 Reviewer may delegate its site visit functions under this section to the construction manager for The River Club.

#### 1.7. Drawing Requirements.

The following drawings are the minimum required for design review submittals.

##### 1.7.1. Preliminary Design Review Drawings.

- 1) Site Plan. 1" = 20.0".  
The preliminary site plan shall indicate the location of the house on the lot and all related improvements including driveways, walkways, decks, patios, pools and equipment. All property lines shall be shown including the bearings and distances. All easements and utility structures shall be shown and identified.
- 2) Foundation/Basement Plan. %" = 1'-0".  
The foundation/basement plan shall indicate the overall exterior dimensions and locate all windows and exterior doors. Windows and exterior doors shall be located as governed by the preliminary site plan. Exterior porches, loggias, patios, decks, etc shall also be indicated.
- 3) Floor Plans. ZT = 1'-0".  
The floor plans shall indicate the overall exterior dimensions and locate all windows and exterior doors. Exterior porches, loggias, patios, decks, etc. shall also be indicated.
- 4) Exterior Building Elevations. %" = 1'-0".  
Every side of the house shall be shown in elevation. The elevations shall indicate the proposed grade line as determined by the preliminary site plan. The finish floor

elevation indicated on the preliminary site plan shall be shown on each elevation at each floor level. All exterior building materials shall be clearly indicated.

##### 5) Roof Plan. %<sup>m</sup> = 1MT.

The roof plan shall indicate roof pitches for all roof planes. All chimneys, dormers and other roof structures shall be located and noted as such. All roof materials shall be noted.

#### 1.8.2. Final Design Review Drawings.

##### 1) Site Plan. V = 20.0".

The final site plan shall incorporate all notes and requirements as indicated by the preliminary review. The location of the house and all related improvements shall be clearly indicated and dimensioned. The proposed grading shall be indicated by solid lines tied into the existing grades shown as dashed lines. All drainage patterns and proposed drainage structures shall be clearly indicated, sized and noted. Tree save areas shall be indicated. The limits of clearing and silt fence location shall be indicated. All details required by NPDES and the county regarding silt fence type and construction and other erosion control measures shall be indicated.

##### 2) Foundation/Basement Plan. %' = T-0".

The final foundation/basement plan shall incorporate all notes and requirements as indicated by the preliminary review. Completely dimensioned plans locating all aspects of the design are required. Sizes for all windows and exterior doors shall be noted. All supports for decks shall be located and identified. Exterior porches, loggias, patios, decks, etc. shall be indicated. All retaining walls connected to the foundation/basement wall(s) shall be indicated.

##### 3) Floor Plans. VS = 1'-0".

The final floor plans shall incorporate all notes and requirements as indicated by the preliminary review. Completely dimensioned plans locating all aspects of the design are required. Sizes for all windows and exterior doors shall be noted. All supports for decks shall be located and identified. Exterior porches, loggias, patios, decks, etc. shall be indicated.

##### 4) Exterior Building Elevations. 1'4" = 1'-0".

The final exterior building elevations shall incorporate all notes and requirements as indicated by the preliminary review. The elevations shall be dimensioned and noted to

dearly indicate all aspects of the design. Provide details as needed to indicate materials and dimensions of exterior elements. All materials shall be noted. All elevations shall indicate the proposed grade line as indicated by the approved final site plan.

5) Roof Plan. V" = 1 \*-0".

The final roof plan shall incorporate all notes and requirements as indicated by the preliminary review. The roof plan shall indicate roof pitches for all roof planes. All chimneys, dormers and other roof structures shall be located and noted as such. All roof materials shall be noted.

6) Exterior Details. %" or 1" = 1 '-0"

Exterior Details are required to clearly establish the design requirements for cornices, porch details, dormers, cupolas and other exterior elements that the Reviewer requires.

All drawings shall be coordinated. Drawings that have not been coordinated will be required to be revised and resubmitted.

1.7.1. Drawing Sheet Size.

All drawings shall be submitted on 24" x 36" sheets. The maximum sheet size is 30" x 42".

## 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 should reflect the design principals and requirements as indicated in the Pattern Book. The design should be sensitive to the unique characteristics of the Lot as well as the unique characteristics of the surrounding lots. Due to relatively large Lots and vistas of the The River Club community and the golf course, residences and other improvements on Lots will be seen from many different angles and viewpoints.

Preservation of the natural vegetation is a requirement of the Reviewer. A maximum of 30% of the Lot may be used for all clearing, grading and impervious surfaces. This percentage may be adjusted by the Reviewer based on the amount and quality of trees and the topography of the subject Lot.

To accurately assess the design opportunities of each Lot, an individual site survey must be conducted for each Lot. The site survey shall determine the Lot's topography, locate significant trees, all easements and utility structures and pinpoint unique site characteristics. In addition to the site survey, a study of the design opportunities of the Lot also shall be undertaken. The design opportunities study merely involves walking the Lot for the purposes of locating the best views to and from the home site, assessing relationships to adjacent Lots and structures, determining the dominant solar orientation, and reviewing existing terrain and elevations, soil conditions, drainage patterns and concerns, vegetation type and quality, and assessing any other special site features. With the information provided by the site survey and the design opportunities study, the Owner's design team can effectively optimize the design opportunities of the Lot. All final Site Plans within the 2000 foot river corridor shall be prepared by Rochester and Associates.

The Reviewer shall consider each Lot independently but shall give consideration to the impact of the proposed improvements on each individual Lot on adjacent Lots and view corridors. Care must be taken to locate each structure so as not to infringe upon golf course, adjacent Lots and common areas, and when and where possible, not to obstruct 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 Golf Course,
- 4) Existing vegetation type and quality,
- 5) Existing water and drainage patterns,
- 6) Driveway access.
- 7) Height of proposed structures on the subject Lot and the height of existing and proposed structures on adjacent Lots, •
- 8) Setback from street to align with adjacent Lots and
- 9) Location and screening of equipment including but not limited to: a/c units, pool equipment and play equipment.

### 2.2. Building Envelopes and Building Setbacks

The Gwinnett County Planning Commission has established minimum standards for building setbacks for various types of residential structures within Gwinnett County. The building setbacks required by Gwinnett County, however, are not to be construed necessarily as setbacks that will be approved by the Reviewer relative to Lots in The River Club, and the Reviewer reserves the right to impose setback requirements relative to some or all of the Lots which are more stringent than the setback requirements imposed by Gwinnett County. The Reviewer has provided setback requirements that, when viewed in total, are designed to ensure that The River Club community will be pleasing in appearance not only from the roadways but also from the golf course the club facilities, and common areas. In that regard, the Reviewer has established a specific "Building Envelope" for each Lot, and the Building Envelope approved by the Reviewer for each Lot will be available from the Reviewer on an unrecorded plat. The Building Envelope will mandate a maximum width allowed for the individual dwelling on the lot 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 Gwinnett County. The intent of the Reviewer in imposing the Building Envelope and maximum width is to allow for harmonious alignment of the improvements and saving trees on Lots to help maintain 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. 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 Reviewer 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 stoops, porches, patios, terraces, decks, swimming pools, tennis courts or other recreational improvement on any Lot shall be erected or permitted to remain outside of

the Building Envelope for that particular Lot, except that:

- 1) 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
- 2) 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.

The Reviewer 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. Exceptions to the Building Envelope must be based on site conditions. Exceptions to the Building Envelope will not be considered to accommodate any improvements that are considered too large or otherwise inappropriate for the Lot in the sole discretion of the Reviewer.

### 2.3. Driveways, Walkways, and Utilities.

The Reviewer will establish a recommended driveway location for each Lot. The Reviewer also may establish particular areas of the Lot in which the driveway, walkways, and utility lines must be located. The driveway location will vary from Lot to Lot, depending on the Lot size, street tree locations, 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 walkways 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. In general, the driveway on a Lot should be separated from driveways on adjacent Lots by a distance equal to at least one-half ( $\frac{1}{2}$ ) 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, but in no case shall the side boundary of a driveway, or retaining wall be located less than three (3) feet from a side boundary line of the Lot. The design of driveway aprons and front yard walkways shall comply with the requirements of the Pattern Book. Driveways shall be a minimum of 5'-0" clear from any side property line. Where a retaining wall is used at the driveway or the garage turnaround area the retaining wall shall be 5'-0" clear of the property and the driveway shall be 3'-0" clear of the wall. Driveways shall not exceed 14'-0" in width at any point along the access to the garage turnaround area. Guest parking

for a maximum of two cars is permitted as detailed in the Pattern Book. Each Lot is permitted to have one curb cut to access the Lot. Circular driveways with two curb cuts from the street will be considered on lots where the topography, tree cover and lot width will, in the sole opinion of the Reviewer, not have an adverse impact upon the natural features of the Lot, neighboring Lots or The River Club community as a whole.

Requests for exceptions to the designated driveway, walkway and utility areas may be submitted to the Reviewer in writing. However, the Reviewer will consider proposed deviations only if their implementation will not result, in the judgment of the Reviewer, in an adverse impact upon the natural features of the Lot, neighboring Lots, or The River Club community as a whole.

*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 by the Reviewer on the unrecorded plat that also depicts the Building Envelope for such Lot Driveway turnaround areas shall be constructed with curbs, swales and drainage structures as required to control runoff from the driveway.*

### 2.4. Easements.

Landscape improvements and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited 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. Landscape improvement will be considered for maintenance and fence easements. In general, any work within a maintenance and fence easement is not permitted. Vertical construction of any type such as, but not limited to, retaining walls, decks, gazebos, or other similar accessory structures, are not permitted within utility easements.

### 2.5. Grading and Excavating.

The design and development concepts of The River Club community call for the utilization and enhancement of the existing natural environment. The Reviewer is particularly conscious of site design and its potential. The Reviewer seeks to ensure that each residence accommodates and blends aesthetically with the natural site features and existing terrain of the Lot and the neighboring Lots. To help ensure compliance with this philosophy, as part of the final Building Plans and Specifications, a grading plan must be incorporated with the site plan. All grading plans shall

be prepared by a licensed civil engineer, Design Guild member or licensed landscape architect. Approval of the grading plan must be obtained from the Reviewer (as part of the approval by the Reviewer of the final Plans and Specifications) prior to moving or removing any dirt from any Lot. Absolutely no land disturbance whatsoever shall be permitted on a Lot without first obtaining such authorization from the Reviewer. Also, no burying of any type construction debris, clearing debris, or other trash is permitted.

All grading plans submitted to the Reviewer shall be considered individually for each Lot. Recommendations or requirements of the Reviewer will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the Reviewer determines impact upon the site grading for the Lot. The Reviewer reserves the right to require a field run topographical survey of the subject Lot at their sole discretion. The cost of this survey is the sole responsibility of the Owner. Grading and other disturbance of the natural vegetation within the drip line of tree save areas is not permitted.

All final grading plans for the ARC regulated lots shall be prepared by Rochester and Associates. Grading plans for Lots located in the 2000 foot river corridor must be approved by the ARC with two approved copies submitted to the Reviewer prior to the Reviewer final review of the site plan.

#### 2.6. Drainage and Erosion Control.

Drainage considerations for individual Lots play an important part in the ecological balance of the community. Each Lot should be graded such that all water draining from such Lot does not adversely impact any adjacent property. Water runoff for each individual Lot must be managed by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control is the sole responsibility of each Owner relative to such Owner's LoL. The water runoff shall be managed in such a manner as to not to adversely impact any neighboring Lots adjacent or remote. Particular care must be taken on Lots fronting the golf course, watercourses, lakes, and other amenity areas to protect the golf course, watercourses, lakes and other amenity areas. Drainage swales must be sodded and/or utilize stone to mitigate erosion and washed out areas. The stone shall be sized as required for the volume and velocity of runoff. Where the stone is visible to adjacent properties decorative natural stone shall be used. Each Lot will be evaluated based on the conditions unique to the Lot and surrounding area.

Before any clearing or construction activity can proceed, all erosion control measures, including but not

limited to, silt fencing, temporary silt ponds, hay bales, and strawing must be in place. All requirements and standards, including NPDES, for erosion control by government agencies having jurisdiction over the property including but not limited to Federal, State, and County agencies are the sole responsibility of Owner relative to such Owner's Lot.

Slopes, existing or created, that are steeper than 3:1, 1.0\* of rise for every 3.0' of horizontal distance, will require dense ground cover landscaping. Slopes greater than 2:1, 1.0\* of rise for every 2.0\* of horizontal distance, will not be permitted. In some instances a geo textile stabilization mat may also be required for steep slopes. The toe of a slope or bottom of the slope must be a minimum distance of 5'-0" from all property lines to ensure adequate area for drainage swales.

In general, piping of downspouts must terminate a minimum of 25.0' from side property lines and 40.0\* from rear property lines. In no case shall the termination point be permitted outside of the building envelope. At termination point, pop-up drains are encouraged, the drainpipe must discharge onto sod or other approved landscape material or stone, as the lot conditions require. In general the drain discharge at sod shall require a minimum of 20'-0" of sod on the downhill side of the discharge point. Piping of downspouts on the rear or sides of a house where the yard in question is adjacent to golf course property is not permitted. All downspouts that are not piped are to have splash blocks. Exposed or otherwise visible drain lines are not permitted. Piped downspouts and other yard or drive drains are permitted to be piped to a discharge location adjacent to an existing storm structure provided the structure is on the lot and the pipes are buried and the installation of the pipe does not adversely affect existing topography and plants. Alterations to existing drainage structures are not allowed unless approved by the Reviewer. "Daylighted" ends of the pipes must be cut at an angle, flush with the ground level so as to be less visible. Pop-up drains are required in front yards when downspouts are piped. Downspout drainpipes shall not be directed towards adjoining lots.

#### 2.7. View Corridors.

Each Owner must recognize and understand that views and view corridors to and from such Owner's Lot and the golf course. Common Areas and other areas within The River Club are in all respects subject to the rights of other Owners, the Reviewer, The River Club and others under the terms and conditions of the Charter and these Guidelines to construct buildings and other improvements and install landscape improvements on their property that might obstruct or otherwise diminish such views and view corridors.

**Views and view corridors must also be considered when developing a landscape design.**

### 3. ARCHITECTURAL DESIGN.

#### 3.1. Architectural Style.

It is the intent of the Design Review Guidelines to control the architectural style as established by the Pattern Book and to encourage design excellence of individual residences which, when viewed together, produce an outstanding total community environment.

The residential architecture at The River Club should be custom-designed for each Lot to maximize the natural features of the Lot. Traditional architectural styles are required as the basis or foundation of the design, and examples of preferred traditional design are Colonial, Georgian, English Country, Arts and Craft, Craftsman, Tudor, Shingle Style and French Country. The Pattern Book has a variety of examples of the required architectural styles. Specific plan designs should be limited to three (3) times, change shall occur to the plan and elevations to prevent a repetitive style. Specific plan designs shall not be repeated within ten lots of each other. Exterior designs shall not be repeated.

The Reviewer opinions and requirements regarding the exterior design are subjective. The Reviewer's opinion shall be based on the Reviewer's interpretation of the intent of the Design Guidelines and the Pattern Book. The decisions rendered by the Reviewer are final and are not subject to appeal or variance except as specifically provided in the Charter.

#### 3.2. Quality Design Features.

The homes in The River Club should reflect the designs as presented in the Pattern Book and adhere 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 and consistent interpretation of the architectural style is required.
- 3.2.4. Specific features of the architectural style shall be well developed and carefully detailed. The features should be researched to ensure the degree of historic authenticity in scale.
- 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 and in keeping with the architectural style of the design. Exterior wall finishes shall continue on all sides of the exterior, changes in material may occur only where architecturally sensible. Arbitrary changes of materials at comers will not be permitted.
- 3.2.7. Appropriate colors shall be used, and colors shall be used with restraint. Where colors are established or approved on adjacent and nearby lots, they may not be reused without altering aspects of the overall color selections.
- 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 either (a) French doors with or without sidelights or (b) a single door with sidelights. The main entry shall contain more architectural detail than other openings and entries but all openings and entries shall be consistent in detail and style appropriate for the architectural style of the design. Main entry doors shall be a minimum of 3'-0" wide x 8'-0" tall.
- 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. The detailing of all openings shall be in keeping with the architectural style of the design.
- 3.2.10. Bay windows shall be carried down to grade or visual support of cantilevered conditions must be expressed when appropriate for the architectural style of the design.
- 3.2.11. The exterior building materials shall be appropriate for the architectural style of the design. Changes in materials shall be acceptable as deemed appropriate for the proportion and material selection as indicated in the Pattern Book.

design. Material changes shall only occur and architectural offsets in the design that are appropriate for the design. Each proposed design will be carefully reviewed on an individual basis by the Reviewer for compliance with the Pattern Book design philosophy.

3.2.12. Roof forms must be well organized and must demonstrate the same character on all sides of the residence. 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. The roof design shall be appropriate for the architectural style of the house. Roof forms shall be simple and uncluttered. The footprint of the design must consider the resulting roof design in the preparation of the overall design.

3.2.13. The roof design shall incorporate slopes that are appropriate for the architectural style of the design. Shed roof forms are permitted if architecturally detailed and appropriate for the design. Roof shapes and configurations shall be planned to avoid complex, awkward, or odd roof designs. All roof structures such as cupolas and dormers shall be detailed consistent with the design.

3.2.14. Gutters and downspouts shall be used at all eave lines, unless deemed inappropriate (i.e. dormers and cupolas). All exterior gutters and downpipes shall be copper or factory finished aluminum matching a weathered bronze finish. Copper gutters and downspouts shall be a minimum of 16 oz. Aluminum gutters and downpipes shall be a minimum of 0.026" thickness. Gutters and downpipes shall be detailed consistent with the design. Downpipes shall be round. Corrugated downpipes are not permitted. Downpipes shall be located discretely and in keeping with the design. Conductor heads are encouraged when appropriate for the design. Painted galvanized gutters and downspouts will be considered based on architectural styles.

3.2.15 All roof structures, such as attic vents, plumbing vents, etc., shall be located on the rear plane of the roof, and shall be treated or painted to blend with the roof shingles. All roof valleys require exposed flashing. All exposed flashing shall be copper or factory finished aluminum. Painted flashing is not permitted. "Turbine" attic vents are not

permitted. Attic vents shall be half round, eyebrow, gable or other as appropriate based on the architectural style.

3.2.16. All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric/gas meters, mains, disconnect boxes and a/c equipment 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. All of the described utility elements shall be located a minimum of 20'-0" behind the front adjacent corner on the side.

3.2.17. Exposed electrical equipment, stub outs, 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, electrical meters and A/C condensing units must be screened with landscape improvements to conceal equipment from view in accordance with the landscape guidelines.

**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 other such accessory structures as are approved in advance in writing by the Reviewer. Provided, however, the Founder and builders that it authorizes shall be entitled to use Lots which they own from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for The River Club 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 erected upon any Lot shall contain not less than the following heated floor areas:

	<u>Minimum Ground Floor Heated Area</u>	<u>Minimum Total Heated Area</u>
1- Story	3,800	3,800
1- 3/4 Story	2,800	3,800
2- Story	2,500	4,400

Notwithstanding the foregoing requirements, the Reviewer 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 stories above ground level on the front or street elevation; provided, however, the Reviewer shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow dwelling heights no greater than three stories on rear and side elevations where full daylight basements occur. Roof height shall not exceed the limits established by Gwinnett County Zoning Ordinance. The height is restricted by the building setbacks. The building setbacks indicated on the marketing plans are the minimums. The building height at the side setback shall not exceed 25'-0" to the top of the cornice measured from the proposed finished

grade. The building height may be increased 2'-0" for each T-0" of additional setback increase to a maximum of 35'-0" to the top of the cornice measured from the proposed finish grade.

**4.4. Ceilings.**

Interior ceiling heights in dwellings constructed on Lots are required to be a minimum of ten (10) feet on the first (main) floor and a minimum of nine (9) feet on all other floors. The Reviewer may grant exceptions to this requirement based on cathedral ceilings, two story rooms and tray ceilings.

**4.5. Garages.**

Every house shall have an enclosed garage for not less than two (2) vehicles. The minimum interior dimensions of a two-car garage shall be 21'-4" x 21'-4". In general, garage openings may not face the street unless approved in advance in writing by the Reviewer. Such approval will be given by the Reviewer only where particular hardship would otherwise result because of Lot size, configuration, topography, tree save or other circumstances deemed sufficient by the Reviewer. No more than one garage opening may face the street when hardship circumstances permit the same. The garage opening facing the street shall be detailed consistent with the design in a manner to minimize its appearance as a garage door by utilizing architectural detailing including, but not limited to, overhangs with brackets, columns, recessed openings in the door wall. The placement of garages and driveways has a significant 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 shall not face the street. The design shall be prepared based on the site conditions and shall comply with the are acceptable provided the garage doors are set at an angle greater than 45° from the street and further are recessed a minimum of T-0" from the exterior face of the wall to the exterior face of the door. Berms and additional landscaping beyond the basic landscaping will also be required.

In limited cases where a front entry attached garage is approved, recessing the garage from the remainder of the residence diminishes the adverse impact of the front entry garage on the street scene and keeps the residence from appearing to be composed almost entirely of the garage. Therefore, a minimum 30'-0" offset from the front entry garage opening to the front plane of the adjacent wall of the front entry garage is required.

Garage doors are required for all garages, and the garage doors must be detailed appropriately for the architectural style of the design. Single doors shall be a minimum of 9'-0" wide and 8'-0" tall. Double doors, when approved, shall be 18'-0" wide and 8'-0" tall. All garage doors shall be the same height. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width garage doors. Single bay garage doors are required on courtyard designs and other designs where in the Reviewer's opinion double doors are not appropriate. All ducts, pipes, wiring and garage door guide rails 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 landscape improvements, a wall, fencing, or a combination of these elements. The garage turnaround area must provide a minimum twenty-seven (27) foot back-up distance, with an additional five (5) foot buffer between the edge of the driveway and the Lot boundary line f.i.e., there must be a total minimum distance of thirty-five (35) feet between the garage opening and the adjacent side Lot boundary line]. Garage doors are not permitted in basements.

#### 4.6. Exterior Materials and Colors.

Exterior materials shall be brick, stucco, stone, cedar shake, horizontal wood siding with a maximum of "6" exposure or wood board and batten siding. Real wood siding must be used. Synthetic, composite or other manmade siding materials are not permitted. If approved by the Reviewer, 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 permitted. Imitation stone or brick-like materials, or composite board siding are not permitted. Exterior materials are approved for aesthetic value only. Reviewer does not warrant any installation or material selections.

#### 4.7. Roofs.

Roofs and roof pitches shall be in proportion to the overall size and shape of the house and in keeping with the architectural character of the design. In general roof forms should be kept simple. Except as specifically approved otherwise in writing by the Reviewer, the minimum roof slope for the main house structure shall be nine (9) vertical to twelve (12) horizontal. Acceptable roofing materials are:

- 1) wood shingles,
- 2) wood shakes,
- 3) natural or man-made slate,
- 4) flat tile or

- 5) minimum thirty (30) year warranty, dimensional shingle minimum weight 280 lbs., variegated (not solid) color, architectural (sculpted) style, dimensional (fiberglass) shingles.
- 6) Copper and "Kynar" bronze aluminum are permitted for porch roofs and bay window roofs.

All specific roof materials to be used must be approved in writing by the Reviewer as part of the final Plans and Specifications prior to commencement of construction. All bay window roofs, low pitched porch roofs and exposed flashing shall be copper or factory bronze metal finished, no painted metal or clear anodized roofing is permitted. Flat roll roofing is not permitted.

Ridge vents are permitted when detailed appropriately for the design. Roof hvac vents, water heater 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 Reviewer. Roof vents, roof power vents, rain diverters, plumbing vent pipes and shall be painted to blend with the roof shingles. Skylights and/or roof windows must have flat glazing and self-curbing. Curbing shall be factory finished to match roof color. Skylights visible to the street(s) or golf course are not permitted.

Eave lines shall align whenever possible. Eaves and rakes shall be accented by multiple fascia boards, cove and crown moldings rake mold frieze boards and edge trim. All details shall be consistent with the architectural style of the design.

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

All windows shall be true divided lite (tdl) or simulated divided lite (sdl). Snap-in grilles and grilles between glazing is not permitted. Windows shall generally be the same type and style for all building elevations. Exterior storm windows generally will not be permitted. Wood windows are required; however, vinyl or aluminum clad wood windows will be considered, provided the style and profile are visually similar to wood windows. Window grills are required to be a true minimum width of 1". Window grills are required in all windows on all elevations. When shutters are used, wood shutters are required, and shall fit the proportion and shape of the windows and, shall be used for all windows on elevations that are visible from the roadway(s). Shutters shall be attached with appropriate hardware including hinges and holdbacks. Unless specifically waived in writing by the Reviewer, 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. The window and door detailing shall be

consistent with the architectural style of the design. No window or door casing or decorative treatment shall abut any frieze board. On all front or street elevations all window casing shall be a minimum of 4" wide. No metal doors shall be visible from any street. On golf course lots all window and door openings shall have a minimum of 4" wide casing, or other approved fenestration.

#### 4.9. Chimneys.

Chimneys are an integral part of the design in many architectural styles. The Pattern Book presents examples of the appropriate chimney details for the design. Chimneys shall be full foundation based and constructed of brick, stone, or stucco. Chimneys shall be constructed of a material that is appropriate to the design. Exposed metal flues and wood chases are not permitted. Exposed prefabricated chimney spark anestors are not permitted. Stock or standard chimney hoods/shrouds are not permitted. When chimney shrouds are used they shall be designed appropriately for the architectural style. Direct vent fireplaces are acceptable provided the vent is on the rear of the house. Direct vents shall not be located on the front or any street elevation or where visible to the street.

All fireplace vents are to be enclosed in chimney structures. Fireplace vents 4" or smaller are exempt from this requirement Vents shall be located on the rear plane of the roof in an orderly manner, not randomly located. One 4" vent is permitted..

#### 4.10. Foundations.

Unless specifically waived in writing by the Reviewer, all foundations must be raised with a minimum three (3) foot high crawl space, and slab-on-grade foundations generally will not be permitted, except for garages, patios and unheated porches. All foundation walls that extend above grade shall be faced with masonry veneer to the first or main floor line.

#### 4.11. Porches and Decks

Porches and decks shall be designed with substantial, well-proportioned railing, flooring and support posts consistent with the designs as detailed in the Pattern Book. Entry porticos shall be detailed in accordance with the architectural style of the design. All elements of the portico shall be properly scaled and proportion based on the design elements. Deck columns shall be appropriately proportioned to the span and height of the support members. 10" x 10" is the minimum size deck column permitted. Decks shall be detailed consistent with the design. One-story decks shall be screened in accordance with the Landscape Guidelines.

#### 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 or side street of any residence on any Lot. Additionally, air conditioning and heating equipment and apparatus must be located inside the building envelope and screened from view from adjacent properties, streets and the golf course by landscape improvements. Roof penetrations for furnace flues shall be located on the rear plane of the rear. Furnace locations shall be designed to permit the minimum number of roof penetrations. A maximum of two flues for water heaters and furnaces are permitted. The flues shall be located on the roof plane in an orderly manner and shall not be visible from the street.

#### 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 Reviewer. Notwithstanding the above,, the following "Permitted Devices" may be installed on a Lot without or prior approval, provided they are installed in strict compliance with this section:

- antennae or satellite dishes designed to receive direct broadcast satellite service which measure one meter or less in diameter;
- antennae or satellite dishes designed to receive video programming services via multi-point distribution services which are one meter or less in diameter or diagonal measurement; or
- antennae or satellite dishes designed to receive television broadcast signals.

A Permitted Device shall be installed only in that location on the Lot from which an acceptable quality signal can be obtained which is least visible from the street, from other Lots, and from public view. In order of preference, the locations considered to be least visible are:

- In the rear yard, on the ground or elevated no higher than 12 feet off of the ground if necessary to obtain an acceptable quality signal, and screened from view of adjacent Lots and the street with landscape improvements or other materials acceptable to the Reviewer, then
- In the side yard, on the ground or elevated no higher than 12 feet off of the ground if necessary to obtain an acceptable quality signal, and screened from view of adjacent Lots and the street with landscape improvements or other materials acceptable to the Reviewer; then
- Attached to the rear of the house, with no part of the Permitted Device any higher than the lowest point of the roofline and screened from view of adjacent Lots and the street with landscape improvements or other materials acceptable to the Reviewer; then
- Attached to the side of the house, with no part of the Permitted Device any higher than the lowest point of the roofline and screened from view of adjacent Lots and the street with landscape improvements or other materials acceptable to the Reviewer.

Mast height may be no higher than absolutely necessary to receive an acceptable quality signal. For safety reasons, the location of any mast that must extend more than 12 feet above the ground is subject to application and prior approval of the Reviewer. Any such application must include a detailed description of the structure and anchorage of the antenna and the mast. If this installation will pose a safety hazard to residents of adjacent properties, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.

Masts must be installed by a licensed and insured contractor. Masts must be painted the appropriate color to match their surroundings.

In order to minimize hazards to persons and property if the mast were to fall during a storm or from other causes, masts shall not be installed nearer to the Lot boundary line than the total height of the mast and antenna and any structure on which it is mounted.

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

The Association will provide a standard mailbox with street numbers and decorative post to each Owner (at Owner's expense) promptly following such Owner's taking occupancy of the residence on such Owner's Lot. No other mailbox, street numbers, or post may be

used. The mailbox shall be installed in a location approved by the Reviewer. In general, either side of the driveway is acceptable for the installation of the mailbox, and the Owner should select the side of the driveway that will be most convenient to provide easy access to the mailbox; however, it is generally most aesthetically desirable to locate the mailbox on the side of the driveway that is closest to a side Lot boundary line.

#### 4.15. Pools, Therapy Pools and Spas.

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:

- 1) Indoor/Outdoor relationship;
- 2) Setbacks imposed by the applicable Building Envelope;
- 3) Views both to and from the pool area;
- 4) Terrain (grading and excavation); and
- 5) Fencing and privacy screening.

Pools, decks and related equipment will not be allowed outside of the rear Building Envelope area and shall be located in the middle third of the rear yard envelope. Retaining walls to support pools and pool decks shall not exceed 5'-0" in height above original natural grade. 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. Pool equipment shall be located in the rear building envelope and may not be located within 25.0' of any side property line. Pool equipment must be enclosed by screening walls a minimum of 5'-0" tall and of materials to match the design. Access to the equipment shall be provided by a painted wood slat gate. All screening walls require landscaping.

#### 4.16. Exterior Lighting.

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

pedestal pathway lights are not acceptable in the front yard. Building and landscape lighting is limited to low voltage 15W maximum rated fixtures and lamps. All fixtures shall be installed on grade and must be screened from view with landscaping. The light source shall not be visible from the street, adjacent or surrounding lots, golf course or other common areas. Floodlights shall only be located in the soffit on the rear, and the front corners of the house. When located on the front of the house, the floodlights shall be located behind downspouts. Rood lights are not permitted on any wall surface.

#### 4.17. Tennis Courts.

A tennis court will be permitted only on Lots sized in excess of one and one half acres and when there are not any specimen trees that would be removed or jeopardized by the construction of a tennis court and where the requirements of Part II. Site Planning are adhered to. Tennis courts are not permitted on lots that are contiguous with golf course property or lake property. Tennis courts must be constructed so as not to infringe upon view corridors and must be naturally screened from adjacent Lots. A site plan showing the tennis court location with proposed grading and screening must be provided for review by the Reviewer. The minimum setback for a tennis court and tennis court fencing from any Lot boundary line is twenty-five (25) feet unless a more restrictive setback is required by the Reviewer. The design and color of fencing materials for tennis courts must blend naturally into the surrounding area and plant materials must be added to soften the visual impact. Tennis court fencing shall be vinyl coated chain link and shall be black in color. Tennis court windscreens must be kept to moderate heights. Tennis court surface colors shall be standard regulation green and not be highly reflective. Night lighting of tennis courts on residential lots shall not be permitted.

#### 4.18. Play Equipment.

Unless elements of a planned park or playground, swing sets and similar outdoor play structures and equipment must be located to minimize impact on adjacent Lots and must be screened from general public view. Only one play structure is permitted per Lot. Trampolines are not permitted. Approved play equipment shall be located in the middle third of the Lot, within the rear portion of the Building Envelope. The overall area for approved play equipment shall not exceed a 20'-0" x 20'-0" area and 10'-0" in overall height. Play equipment may be located on golf course lots provided the equipment is a minimum of 200'-0" from the edge of play and the equipment is fully screened from view from the golf course. Bright colored awnings and other elements are not permitted. All structures and siting require Reviewer approval and are subject to landscape screening.

#### 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 topography of the LoL. All wall and fence designs shall be compatible with the total surrounding environment and consistent with the designs as presented in the Pattern Book. 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 spaces, provide security and relate building forms to the landscape. Privacy fences or walls are not permitted. Fences and walls must be run or curbed 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 Reviewer prior to installation. For Lots that are contiguous to the golf course, the unused rear Building Envelope area is the only area that can be enclosed by a fence. Fences may not be located in Maintenance Easements, (ME), or Fence Easements, (FE), indicated on the marketing plans.

Walls shall be constructed of 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 fences are not permitted. 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, wall, hedges, rows or similar landscape barriers shall be erected, placed or maintained on any Lot nearer to any roadway fronting such Lot than the building corner of the main dwelling constructed on such Lot (unless otherwise approved in advance in writing by the Reviewer). Fences located in the side yards shall be located at the rear corner of the rear of the dwelling unless otherwise approved in writing by the Reviewer. 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 River Club community. Fences and walls shall not exceed five foot six inches 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 and screened with landscaping. Retaining walls shall be located within the Building Envelope as established by the marketing plan unless otherwise determined by the Reviewer.

Landscape walls for general landscape design purposes shall not exceed 18" in height

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins. Crosstie timber walls may be used for retaining walls if set apart from the residence a minimum of 20.0\ only new timbers may be used. Timber walls may not be in front or side yards, and may not be visible to any street or golf course. Timber walls are not permitted on golf course lots. Pre-fabricated/modular concrete "stone" walls are not permitted on any lot.

Grading related to retaining walls shall comply with paragraphs 2.5 and 2.6 of Part II. Site Planning.

#### 4.20. Remodeling and Additions.

A 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 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 Reviewer are skylights and solar collectors, recreational features, lighting, antennas and satellite television. An approval from the Reviewer is required for remodeling and additions just as it is for new construction.

5. MISCELLANEOUS MATTERS

5.1. Diligent Construction.

All improvements to be constructed on a Lot must be completed within eighteen months 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 Reviewer.

5.2. Builders Guild.

Only builders in good standing in The River Club Builders Guild may serve as the general contractor/builder for the construction of improvements on Lots in The River Club. Upon request, the Reviewer will make available to any Owner a current list of the members of the Builders Guild. To qualify for admission to the Builders Guild, a builder must satisfy certain criteria and requirements established by the Reviewer and The River Club. However, such criteria and requirements are solely for the protection and benefit of the Founder and are not intended to, and shall not be construed to, benefit any Owner or any other party whatsoever. The Reviewer and the Founder make no representation, express or implied, to any Owner or any other party whatsoever with regard to the Builders, including, without limitation, the existence, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the Builders from time to time, the solvency or financial status of the Builders from time to time, the nature and amount of any bonds that may be maintained by the Builders from time to time, the performance (or the ability to perform) by the Builders of their contractual obligations (including any contractual obligations of any of the Builders in favor of any Owner or any other party whatsoever), the compliance by the 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 Builders from time to time, and the compliance by the Builders with any licensing requirements imposed by federal, state and local governmental and quasi-governmental bodies and agencies from time to time. Furthermore, neither the Founder, the Reviewer, nor the Association, 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 Builder, including, without limitation, any earnest money or other deposit that any Owner may deliver to a Builder.

The selection of a 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 Builder's qualifications. Owners shall not rely on the advice or representations of the Founder, the Reviewer, the Association, or the officers, directors, members, employees, agents or affiliates of any of them, in that regard.

5.3 Purpose and Use of Landscape/Construction Escrow Deposit.

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

5.3.1. To pay for the cost to repair any damage to the roadways or Common Areas in The River Club caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder, subcontractors, or suppliers.

5.3.2. 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.

5.3.3. 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 Charter.

5.3.4. 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. This shall include payment to professionals for reports.

5.3.5. To reimburse the Founder or the Association for the Owner's share of street cleaning costs during construction, if the Owner does not pay such amounts in a timely manner as specified in the Construction Rules.

5.3.6. To reimburse the Founder or the Association 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.

5.3.7. To pay the cost of clean up and/or repair of damage to adjacent property caused by the Owner or such Owner's builder, subcontractors, or suppliers.

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

5.3.9. 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 5.3.6 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 Reviewer shall give an Owner prior notice that the Reviewer 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 Reviewer 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 landscaping and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Charter, the Reviewer shall return to such Owner the unused portion (if any) of such Owner's Landscape/Construction Escrow Deposit.

#### 5.4. 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.

5.4.1. Each notice shall be in writing.

5.4.2. Any notice to be given to the Reviewer 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 Reviewer. The address of the Reviewer for delivery of notices hereunder shall be as follows:

Reviewer  
The River Club  
do Crescent River, LLC  
5090 Hutchins Ferry Road  
Suwanee, GA 30024

5.4.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the Reviewer's office or when delivered to the Owner's address by regular U.S. Mail Service. Delivery is presumed to have occurred on the second (2nd) day following the deposit of such notice by the Reviewer 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.

5.4.4. Either the Reviewer 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.

## II. LANDSCAPE GUIDELINES

5090 Hutchins Ferry Road  
Suwanee, GA 30024

### 1. GENERAL LANDSCAPE MATTERS

#### 1.1. 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 River Club. Adherence to the Landscape Guidelines and coordination of landscape and architectural improvements will help ensure the success of The River Club as a premiere residential community of the highest caliber.

The specific objectives of The River Club Landscape Guidelines are to:

- a. ) Provide minimum standards for the installation of landscape improvements and associated site improvements.
- b. ) Establish criteria to ensure visual continuity and creativity in the landscape improvements at The River Club.
- c. ) Present clear, concise, and enforceable guidelines for the installation and maintenance of landscape improvements.

#### 1.2. Defined Terms.

Capitalized terms used in these Landscape Guidelines shall have the meanings set forth in Part I of the Guidelines or in the Glossary of Terms attached as Schedule C.

### 2. PROCEDURES AND APPROVALS

#### 2.1. Landscape Review Process.

Prior to the commencement of any Landscape activity, an Application for Landscape Plans and Specifications Approval (Schedule E) must be submitted by the Lot Owner or Owner's designated agent to the Reviewer. No Landscape activity may commence until the Reviewer has received, reviewed, and approved the information and documentation required to be submitted under Section 2.4 of this Part II.

#### 2.2. Design Review Procedure.

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

Design Review Coordinator  
The River Club  
do Crescent River, LLC

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

The Reviewer encourages Lot Owners and Builders 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 submit Preliminary Landscape Plans and Specifications to the Reviewer at the time Final Building Plans and Specifications for the Lot are submitted to the Reviewer.

The Reviewer shall review the Preliminary Landscape Plans and Specifications and return them to the Owner marked "Reviewed, No Exceptions Noted", "Reviewed, With Exceptions Noted" or "Resubmittal Required". If Preliminary Landscape Plans and Specifications are marked "Reviewed, No Exceptions Noted" and "Reviewed, With Exceptions Noted" by the Reviewer then Final Landscape Plans and Specifications produced thereafter must be in substantial conformity with the Preliminary Landscape Plans and Specifications; however, the Reviewer's approval of Preliminary Landscape Plans and Specifications shall in no way bind or obligate the Reviewer to approve the subsequent Final Landscape Plans and Specifications.

The Reviewer may refuse to approve Preliminary Landscape Plans and Specifications, for any reason or reasons, including purely aesthetic reasons, in its sole discretion.

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

Three (3) complete sets of the Final Landscape Plans and Specifications for each Lot must be submitted to the Reviewer before the exterior finish work on the house (i.e., brick or stone veneer, siding or stucco application, etc.) is completed. If the Reviewer has not received the Final Landscape Plans and Specifications prior to completion of the exterior finish work on the house, the Reviewer may mail a written request for submission. If the Reviewer has not received Final Landscape Plans and Specifications by the tenth (10th) day following the date of any such written request, the Reviewer may withhold funds from the Landscape/Construction Escrow Deposit (as defined in the Design Review Guidelines) at the rate of \$50.00 per day; and such funds that are withheld shall be deemed earned by the Reviewer and shall be non-refundable to the Lot Owner. Such fines 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 Reviewer.

Furthermore, if Final Landscape Plans and Specifications are not submitted to the Reviewer by the date the Lot Owner 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 by the Reviewer as described above, fines shall accrue against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner, 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 Reviewer. Such fines will be deducted first from the Landscape/Construction Escrow Deposit until it 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 Reviewer. No exceptions will be made to the circumstances described above which allows the Reviewer to withhold and retain part or all of the Landscape/Construction Escrow Deposit.

Landscape Plans and Specifications submitted to the Reviewer will be reviewed by the Reviewer. The Reviewer, in its sole discretion, may from time to time engage a Landscape Architect licensed in the State of Georgia to review Landscape Plans and Specifications and to conduct such reviews on behalf of the Reviewer.

If found not to be in compliance with the Landscape Guidelines or if found to be otherwise unacceptable to the Reviewer, one (1) set of the Final Landscape 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 Landscape Guidelines or to be otherwise unacceptable to the Reviewer. If the Final Landscape Plans and Specifications for a Lot are submitted and rejected two (2) or more times, the Reviewer may require an additional review or processing fee to be deposited by the Lot Owner to cover the additional time and expense incurred by the Reviewer 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 Reviewer, one (1) complete set of the approved Final Landscape Plans and Specifications shall be retained by the Reviewer 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, along with a written statement with any comments of the Reviewer. Once the Reviewer has approved Final Landscape Plans and Specifications for Landscape Improvements to be installed on a particular Lot, the installation 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 Reviewer for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original Final Landscape Plans and Specifications). The Reviewer may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved Final Landscape Plans and Specifications.

The Reviewer opinions and requirements regarding the landscape design are subjective. The reviewer's opinion shall be based on the reviewer's interpretation of the intent of the Landscape Guidelines and the Pattern Book. The decisions rendered by the Reviewer are final and are not subject to appeal or variance, except as otherwise specifically provided in the Charter.

#### 2.5. Required Elements of Final Landscape Plans and Specifications.

All Final Landscape Plans and Specifications submittals must include:

- a) 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').
- b) Accurate adjoining street right-of-way lines, accurate back of curb and face of curb lines, and the appropriate names of adjoining street(s).
- c) Accurate locations and widths of any and all easements, each labeled as to the specific type of easement (i.e., gas, sanitary sewer, water, electric power, etc.).
- d) Accurate location of the Building Envelope for the Lot.
- e) Accurate North direction shall be shown and labeled.
- f) Location of all drainage patterns as indicated on the approved site grading/drainage plan.
- g) 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 n phase within the River Club.
  - 2) Scale of the drawing.
  - 3) Date of the drawing, including any revision dates.
  - 4) The name, address and telephone number of the preparer of the Landscape Plans and Specifications.

5) Lot Owner's name.

g) Accurate locations of all 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.

h) "Limits of Clearing and Grading Line" shall be shown exactly as it appears on the grading plan previously submitted by the Lot Owner 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 Owners.

i) Precise location of the dwelling, garage and all other structures as depicted on the Approved Final Building Plans and Specifications for the Lot

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

k) Precise location of driveways, walkways, decks and steps, screened porches, and if approved, 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.

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

m) 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 F.)

n) 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.

o) Label appropriately the number of any golf course hole or club facilities or grounds that adjoin the Lot and show any adjoining golf cart paths.

p) 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 shown on a separate drawing along with a separate plant list for future phases.

q) Street trees must be located and the species must be noted as is specified by the Street Tree Planting Plan for each street of The River Club. The required street tree will be shown on the unrecorded plat provided by The River Club or the Reviewer in connection with the initial sale of each lot.

r) Street light locations shall be noted on the Final Landscape Plans and Specifications.

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

If any of the foregoing information or detail is not provided, the Final Landscape Plans and Specifications will be rejected until all of the required information and detail is included.

## 2.6. Lot Owner Responsibility.

Although a Landscape Contractor, Landscape Architect, or Landscape Gardener may prepare the Final Landscape Plans and Specifications for a particular Lot on behalf of the Lot Owner, it is the sole responsibility of the Lot Owner to review the Final Landscape Plans and Specifications for completeness and to ensure the timely submission of the Landscape Plans and Specifications and related documentation to the Reviewer for review. Additionally, each Lot Owner is responsible for making those individuals acting on their behalf aware of all requirements for preparation and submittal of the Final Landscape Plans and Specifications.

## 2.7. Field Verification.

Following the approval of Final Landscape Plans and Specifications for a Lot and the subsequent installation of Landscape Improvements, the Owner shall so notify the Reviewer in writing and the Reviewer shall inspect the Landscape Improvements installation for compliance with the approved Final Landscape Plans and Specifications. Plant locations, species and sizes shall be consistent with the approved Final Landscape Plans and 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, the Landscape/Construction Escrow Deposit shall be returned to the Lot Owner. If the Landscape Improvements do not conform to the approved Final Landscape Plans and Specifications, at the sole discretion of the Reviewer and without limiting any other rights or remedies of the Reviewer or any other party under the Guidelines or under the Charter, 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.

### 3. PRESERVATION OF EXISTING TREES

The existing trees at The River Club are a prized natural amenity adding value to the community. The Founder has exercised care to retain as much of the existing vegetation as possible in the design of the land plan for The River Club.

#### 3.1. Owner Responsibilities.

Each Lot Owner shall be responsible for ensuring that its general contractors and subcontractors adhere to the requirements of the Landscape Guidelines pertaining to the protection and preservation of existing trees. The Landscape /Construction Escrow Deposit will be retained by the Reviewer if, in the sole discretion of the Reviewer, 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 healthy and desirable existing vegetation.

The Reviewer may employ the services of a qualified Arborist and/or Landscape Architect to analyze the condition of existing trees and to assist the Reviewer in monitoring adherence to the Landscape Guidelines pertaining to protection and preservation of existing trees. The fee for these services shall be paid by the Owner.

#### 3.2. Tree Protection and Preservation Procedures.

It is essential that tree trunks, canopies, and root systems 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. Studies have shown damaged root systems, especially damage to the feeder roots at the top ten (10) inches of the soil where a tree "breathes," are the most common cause of the fatal decline of 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 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 Owner and the Owner's Builder to ensure protection of existing trees:

- a) All healthy, individual existing trees over eight (8) inches in caliper, as measured twelve (12) inches from ground level, and ail groups of trees comprising a "tree save area" (Schedule G) must be identified with blaze-orange flagging tape at least fifteen (15) days before any clearing, grading or other construction activity is commenced on the Lot.

- b) Having identified the existing trees to be protected, a blaze-orange, extruded plastic fencing barrier must be erected outside the "drip-line" of the tree or trees at least fifteen (15) days before any clearing, grading or other construction activity is commenced on the Lot. The fencing barrier must stand erect, completely enclosing the tree or trees, and must be maintained erect and in good condition until the installation is completed in accordance with the approved Final Landscape Plans and Specifications. A minimum of 3" of mulch must be installed between the fence and the trunk of the tree. The Lot Owner is responsible for maintaining the fencing barrier. At no time shall any construction vehicles be allowed within the drip line of the tree or tree save areas.

- c) Keep trash, construction debris, fires, chemical liquids and stored construction materials out of the fenced areas.

- d) Stored construction materials shall be located no closer than ten (10) feet to the tree protection fencing. The tree fence shall be located at the tree drip line.

- e) Supply supplemental water and/or deep-root fertilization 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.

- 0 When changes in grade are required near existing trees, erect a retaining wall or walls outside the "drip-line" of the existing trees, to preserve the existing grade around the tree (See Schedule I). 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.

- g) In some instances, the Reviewer may require additional tree protection measures to ensure the preservation of especially valuable existing trees.

#### 3.3. Tree Repair Procedures.

If trees are inadvertently damaged during construction, the Lot Owner and/or builder shall retain a qualified Arborist to make the necessary repairs. The Arborist 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 as the Arborist deems appropriate following a thorough inspection of the damaged area and determination as to the severity thereof:

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

b) 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.

c) 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 prospects for survival and eventual full recovery.

**4. MINIMUM PLANTING REQUIREMENTS**

Minimum requirements for the initial Landscape Improvements to be installed on each Lot within The River Club have been devised to complement the high quality, visually appealing house styles to create an aesthetically pleasing streetscape image. A recommended Plant List (Schedule L) and Recommended Planting Seasons (Schedule M) are attached.

Minimum initial Landscape Improvements planting requirements have been established for each of the three Lot categories planned for The River Club. All minimum expenditures specified below are costs for complete improvement installation, including reasonable and customary labor charges and a reasonable percentage of replacement planting/warranty planting based on industry standards. However, not included in the minimum expenditures for each Lot are costs associated with grading, importation of fill material or soil, retaining walls or other walls, fences, gazebos, pools, irrigation systems and facilities, fountains, play equipment, decorative boulders and rocks, and the labor cost of preparing planting beds; and any costs for such items must be funded by the Lot Owner in addition to the minimum initial Landscape Improvements planting requirements specified below.

**4.1. Minimum Initial Landscape Improvements Planting Requirements.**

Lots within The River Club are in three primary categories; interior lots, comer lots and golf and amenity lots. These categories occur in all of the Land Patterns that are presented in the Pattern Book. The landscape requirements for each lot, based on these categories and land patterns, must be carefully considered. All yards

that are adjacent to streets are required to be fully landscaped. All yards of Golf Course and Amenity Lots are required to be fully landscaped. The schedule below indicates the minimum requirements. For planning the following minimum percentages of the final contract sales price including the house and Lot are recommended: This percentage is for Landscape Improvements only (i.e., plant material and labor) and does not include related grading, irrigation systems, walls, hardscape improvements etc. The following percentages are the minimum expenditure recommended:

- a) Interior Lots, Three Percent (3.0%)
- b) Comer Lots, Three and One Half Percent (3.5%)
- c) Golf and Amenity Lots, Four Percent (4.0%)

Plant Type	Interior Lots	Comer Lots	Golf Course & Amenity Lots	Size	Remarks
Street Tree	2	4	2	3-3.5" c.	B&B
Shade Tree	2	3	4	2.5-3" c.	B&B
Accent Tree	3	5	5	2-2.5" c.	B&B
Evergreen Tree	3	5	5	7-8' ht	B&B
Large Evergreen Shrubs	12	15	20	7 gal.	FuH
Medium Evergreen Shrubs	15	20	30	5 gal.	Full
Small Evergreen Shrubs	25	35	45	3 gal.	Full
Ground Covers	300 sf	500 sf	500 sf	4" pots	
Annual Flower Beds	75 sf	100 sf	150 sf	4" pots	
Lawn Sod:	Front, Side and	Rear Yards	Bermuda or Zoysia		

**Mulch/Pine Straw: All plant beds and natural areas.**

These are the minimum standards. The landscape requirements for each Lot shall be evaluated based on its size and the amount of natural vegetation retained. The Reviewer may require additional or larger landscape material when, at the sole discretion of the Reviewer, additional landscape material is needed to fulfill the intent of the Landscape Guidelines.

**4.2. Postponement of Planting.**

Under circumstances of extreme weather conditions, the Reviewer may, in its sole discretion, grant a Lot Owner an extension of the deadline for the initial Landscape Improvements planting. The request for such an extension must be in writing on the Final Landscape Plans and Specifications submitted to the Reviewer. An extension, when granted by the Reviewer, does not release the Owner from the obligation to install the initial Landscape Improvements at the earliest time weather permits and in all events not later than the timetable set forth in the Reviewer's written extension.

**5. REFORESTATION OF LOTS**

The existing Landscape at The River Club is a combination of mixed hardwood forest, pine forests and open fields. Lots located in areas consisting of open fields will require additional reforestation/tree planting by the Owner. These additional Landscape Improvements must be installed as part of the initial Landscape Improvements planting on the Lot. Refer to the unrecorded lot plat provided by the Reviewer for each Lot to determine whether the Lot is a designated "Reforestation Lot" or a "Partial Reforestation Lot" and subject to the additional planting requirements in this section. The Reforestation Chart lists the number of additional trees required for each Lot classification.

**5.1. Existing Vegetation Classification.**

All Lots within The River Club will be assigned a vegetation classification by an Arborist and/or Landscape Architect retained by the Reviewer. Vegetation classification of the Lots is based on existing mature vegetative cover as follows:

- **Wooded Lots:** Contain substantial stands of mature or maturing trees, not requiring additional reforestation.
- **Partially Wooded Lots:** Contain fifty percent (50%) or greater coverage with mature or maturing trees, requiring fifty percent (50%) of the reforestation planting required of an Un-wooded Lot.
- **Un-wooded Lots:** Contain either no mature existing trees or insignificant, immature existing trees, and requiring one hundred percent (100%) of the designated reforestation planting.

**5.2. Reforestation Chart**

Wooded Lots	N/A
Partially Wooded Lots	4 Shade Trees
Un-wooded Lots	8 Shade Trees

The species of trees used for reforestation purposes shall be Oaks, Maples, Elms or similar large-maturing shade trees. Evergreen trees and Bradford Pear and River Birch trees or their cultivars will not be permitted to satisfy the reforestation requirement. All trees must have a straight, single trunk with a full canopy or crown, and shall conform to current American Nursery Associations Standards. All trees must be 3" caliper or larger at the time of planting.

**6. LANDSCAPE DESIGN REQUIRED PRACTICES**

All Lot Owners and builders, contractors, subcontractors, and Landscape Architects shall comply with the following practices and techniques for creating an aesthetically pleasing landscape in The River Club.

**6.1. Screening of HVAC Units, Utility Meters, Utility Transformers, Outside Refuse Containers, Etc.**

All heating, ventilating, and air conditioning units, utility meters, electric utility transformer boxes, swimming pool pump equipment, permitted satellite dishes and outdoor refuse containers must be screened from view from streets, the golf course, and neighboring Lots. The Lot Owner shall maintain plants used as screening so equipment, apparatus or the fixture being screened is accessible by service personnel and/or meter readers. Plant materials shall be installed using either five (5) or seven (7) gallon sizes, evergreen only. Recommended plant types include Otto Luyken Laurel, Schip Laurel, Dwarf Burford Holly, Compacta Holly, Ligustrum, Wax Myrtle, and Fortunes Osthmanthus.

**6.2. Golf Course and Amenity Lots - Special Requirements.**

Plant material hedges are not permitted outside of the Building Envelope for Lots contiguous to the golf course and amenities. This restriction is intended to facilitate views of the golf course and amenities from all Golf Course and Amenity Lots.

Existing trees adjacent to the golf course and/or amenities are essential to creating a well-defined vegetated edge. Accordingly, Owners of Lots whose yards abut the golf course and/or amenities must adhere to the provisions for tree preservation outlined in Section 3 in order to maximize views of the Golf Course and Amenities. Owners of Lots whose yards abut the Golf Course and/or Amenities may submit a request to the Reviewer to trim or remove trees under 2.0" in caliper. The Lot Owner must tag the proposed trees and schedule a site visit with the Reviewer.

**6.3. Driveway Location and Planting.**

Section 2.3 of the Design Review Guidelines requires that driveways be located at least five (5) feet from the side Lot boundary line. Where a driveway exists on a Lot 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 five (5) 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 garage doors and the driveway turnaround area from the neighboring Lot. This plant material will be required in addition to the minimum initial Landscape Improvements planting requirements set forth in Section 4.

#### 6.4. Retaining Walls.

Plans for all retaining walls must be submitted to the Reviewer for approval prior to construction. The material, location, and height of all walls must also be clearly labeled on the Final Building Plans and Specifications. Where retaining walls are visible from a street, additional plant material, over and above the minimum initial Landscape Improvements planting requirements, will be required to screen, and/or "soften" the retaining wall from view at the street. Additionally, retaining walls visible from neighboring Lots, the golf course or amenities should be screened and/or "softened" with plant material. Additional plant screening material required to be installed must be installed at the same time as the minimum initial Landscape Improvements.

#### 6.5. Street Tree Location.

Street trees are required on each Lot. The required species, size and location of each required street tree will be shown on the unrecorded plat provided by the Founder or the Reviewer with the initial sale of each Lot. The street trees are expected to contribute to the overall effect of a unified street-planting scheme. 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 the Founder or the Reviewer in the designated location(s) shown on such unrecorded plat and to maintain the same in a healthy, well-maintained condition in perpetuity. Additional required trees must be installed at the same time as the Minimum Initial Landscape Improvements are installed.

#### 6.6. Lawn Sod Location.

Lawn sod must be installed on all yards. In certain circumstances, shaded rear yards may require fescue sodding. Front yard sod shall extend ten (10) feet beyond the front elevation of the house toward the back of the house when fescue sod is used in the rear. Lawn sod required to be installed pursuant to this Section 6.6 shall be installed as part of the minimum initial Landscape Improvements installed hereunder.

#### 6.7. 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 Reviewer. 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 Reviewer.

#### 6.8. Mulch Materials.

Annual flowerbeds and perennial flowerbeds shall receive two (2) to three (3) inches of small/fine pine bark mulch. All planting beds and natural areas require a minimum cover of three (3) inches of mulch. Acceptable mulch materials for covering planting beds and natural areas include pine straw, pine bark nuggets or shredded hardwood mulch. Consistent use of the same mulch material is required. Each Owner shall be responsible for replacing and maintaining mulch materials consistent with the requirements of this Section 6.8.

#### 6.9. Respect For "NO-CLEAR" Areas.

"NO-CLEAR" areas will be specifically marked on the building envelopes provided by the Founder or the Reviewer 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 and outlined in Section 3.

#### 6.10. 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 and one half (3 1/2) feet wide.

#### 6.11. 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 that are visible from roadways (e.g. corner lots with elevated rear decks).

### 7. LANDSCAPE DESIGN RECOMMENDED PRACTICES

The following practices and techniques are recommended for creating an aesthetically pleasing landscape.

#### 7.1. Automatic Irrigation Systems.

Automatic irrigation systems are required. 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 watering they require. Landscape Improvements 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, it shall be designed and operated so that water from the system remains on the Lot being irrigated without over spraying onto adjacent Lots. The lakes, ponds, and watercourses in The River Club may not be used for irrigation by any Lot Owner.

#### 7.2. Landscape Lighting Systems.

Subject to the restrictions in Section 4.16 in the Design Review Guidelines, landscape lighting systems are encouraged. Approval of landscape lighting systems may be granted or denied by the Reviewer in its sole discretion. 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. Over lighting the house and/or landscaping shall be avoided. Landscape lighting shall be confined to the Owner's Lot only, and no direct illumination shall encroach onto any other Lot, the golf course or any other location beyond the Owner's Lot boundaries.

#### 7.3. Foundation Planting.

When designing foundation plantings, several important factors must be considered. Select shrubs that will not overgrow the location at maturity. 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 requiring 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. Foundation plants shall be layered from front to back, with taller plants at the back and successively lower plants in the front.

#### 7.4. Comer Lots.

Owners of comer Lots shall treat elevations of the house facing the streets with equal care and consideration when planning landscaping. Both facades or elevations are "public" sides of the house. 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.

#### 7.5. Plants and Framing Devices.

Trees and shrubs can be utilized to frame the front view of the house. Street trees located near the Lot boundary line at the street are best located near the side Lot boundary lines to create visual parameters 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 comers of the house to frame the house with a plant material during all seasons of the year.

#### 7.6. 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. 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 maintenance mowing equipment to be used.

#### 7.7. 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 are urged to hire an experienced, registered Landscape Architect or qualified Landscape Gardener.

#### 7.8. Fish Ponds and Fountains.

Fishponds and fountains are restricted to rear yards only and must be inside the building envelope. Professional design and installation services are highly recommended for these facilities. Ponds shall be restricted to a maximum area of 100 square feet including all pond, stream and waterfall areas. Fountains shall not exceed 5'-0" in height and may require screening.

#### 7.9. Yards and Visual Importance.

Any area of a Lot that is visible from a roadway 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 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.

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 recommended that equal care and attention 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 or the Golf Courses or other Club Facilities. Rear yards in these locations should always be maintained and adequately landscaped.

### III. CONSTRUCTION RULES

1.1. **Applicability.** All Lot Owners and their builders and subcontractors shall abide by the Construction Rules and such other rules as the Association's Board and/or the Reviewer may establish from time to time.

1.2. **Construction Hours and Noise.** All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 7.00 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 or access to The River Club other than during the foregoing hours must be scheduled with the Reviewer at least twenty-four (24) hours in advance and must be approved by the Reviewer in writing. No loud radios or distracting noise (other than normal construction noise) will be allowed within the community during construction. This is distracting to Lot Owners and golfers alike. Normal radio levels are acceptable. Radio and stereo speakers shall not be mounted on vehicles or outside of homes under construction.

1.3. **Rubbish and Debris.** In order to maintain a neat and orderly appearance at all times throughout The River Club, the following rubbish and debris rules must be strictly followed:

a) **Domestic Refuse.** At least one (1) lidded trash container must be located at all times inside each residence that is under construction. All domestic refuse, such as food scraps and packaging, cups, plates, napkins and similar items, which at any time exist in the residence or on the Lot, must be placed in the trash container. The trash container shall be emptied regularly and its contents properly disposed of off the Lot and outside The River Club.

b) **Interior Construction Debris.** All parties are required to frequently clean up and remove rubbish and construction debris located within the walls of a residence under construction.

c) **Exterior Construction Debris.** The following rules shall apply with respect to all construction debris located on a Lot outside the walls of a residence that is under construction:

(1) A "roll off dumpster is required for all Lots under construction.

(2) 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 the dumpster.

(3) 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 placed in the dumpster.

(4) Within the last three (3) days of every month, all debris must be taken off the Lot and out of The River Club, leaving the pens and the Lot free of all debris.

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

1.4. **Excess Natural Materials.** Excess plant matter, rock, topsoil and similar materials must be offered first to the Founder prior to their removal from The River Club and no such materials may be removed from The River Club without the prior approval of the Founder.

1.5. **Street Cleaning.** Approximately once each week near the end of the week, the Founder will engage a street cleaning service to clean the streets in The River Club of normal construction dirt, mud, and gravel. The Founder shall pay for twenty-five percent (25%) of the cost of such service. The Owners of Lots in The River Club on which homes are under construction at the time such services are rendered shall pay for the remaining seventy-five percent (75%) of the cost, which shall be allocated equally among such Lots, except that no Lot shall be charged for a share of the street cleaning costs for longer than six (6) months. Invoices for reimbursement of the street cleaning costs must be paid within thirty (30) days.

The Founder shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if not immediately removed by the responsible Owner, and charge the cost of such clean up to the responsible Owner and receive reimbursement for this expense.

1.6. **Silt Fences.** Silt fences and/or other devices for sedimentation control shall be installed where necessary per Gwinnett County and NPDES<sub>A</sub> or as directed by the Reviewer or authorized representatives of the Founder.

1.7. **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 outside the Lot on which the construction activity with which they are associated is taking place, except in such locations, if any, as may be approved by the Founder.

1.8. **Trailers.** No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in The River Club, except as approved in writing by the Reviewer or authorized representatives of the Founder.

1.9. **Construction Access.** During the time a residence or other improvements are being built, all construction

access shall be limited to one ingress/egress point and be confined to the approved driveway for the Lot, unless the Reviewer or Founder representative approves an alternate access way.

1.10. Gravel Drives. Prior to the commencement of construction on a Lot, the Owner or Owner's contractor shall provide at the approved driveway location a gravel drive with approved fabric and a minimum of five (5) inches of #3 crushed stone base from the paved street to the house under construction. The construction drive shall be a minimum of 30.0' wide by 60.0' long. The Reviewer may require additional gravel areas for parking.

1.11. Parking. All vehicles must be parked so as not to impede traffic or damage vegetation. Vehicles shall park on the sidewalk side of the street only. Vehicles that do not comply with this requirement are subject to removal from The River Club. No vehicles may be left parked on any streets within The River Club 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 golf course (i.e., away from the Lot's common boundary with the golf course).

1.12. Miscellaneous Practices. The following practices are prohibited at The River Club:

- a) Changing oil of any vehicle or equipment;
- b) Allowing concrete suppliers and contractors to clean their equipment other than at locations, if any, designated for that purpose by the NPDES, Reviewer or authorized representatives of the Founder.
- c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by the Founder.
- 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 The River Club. 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 the Founder's or the Association's personnel will be charged to the responsible party. Any spills must immediately be reported to the Founder, the Reviewer, and EPD per NPDES requirements, either orally or in writing.

1.13 Construction Personnel. The Builder is responsible for the behavior of all construction personnel on the Lot from the moment they pass through the entrance to the moment they exit The River Club. Minor children of the construction personnel are not permitted

on the Lot at any time. All construction personnel are restricted to construction activities on the Lot(s) where they are working. The River Club reserves the right to deny access to any construction personnel who have been notified of infractions to the construction rules more than once or continue to violate construction rules after being so informed.

1.14. Pets. Builder and contractor personnel may not bring pets into The River Club.

1.15. Common Areas. Except with the prior written permission of the Founder, builder and contractor personnel are not allowed in the Common Areas or on the golf course, and no construction access will be allowed across the Common Areas or the golf course.

1.16. Accidents. The Founder shall be notified immediately of any accidents, injuries or other emergency occurrences.

1.17. Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided at each residence under construction and must be located in as inconspicuous a location as possible. Portable chemical toilets shall be located a minimum of 10.0' from all storm structures.

1.18. Speed Limit. The established speed limit within The River Club is twenty-five miles per hour (25 mph) for all vehicles. This limit must be obeyed.

1.19. Signs. Building permits are the only sign or documentation that may be posted at a residence or on a Lot during construction. Business signs or other forms of advertisement are not permitted. Building permits are to be attached to a standard permit box mounted on a 4"x4" post, 6.0' tall and painted white. In no event may building permits or any other signage or documentation be attached to trees. Permit boxes shall be of a standard design specified by the Reviewer and shall be ordered through the Reviewer and paid for at the time the order is placed.

1.20. Property Damage. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by the Founder or the Association 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 must be 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 the Founder's personnel: and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

**1.21. Failure to Abide.** Failure of a builder, contractor or other construction personnel to abide by any of the Construction Rules may result in the loss of such builder's or contractor's privilege to enter The River Club on a temporary or permanent basis.

**SCHEDULE C  
GLOSSARY OF TERMS**

**The River Club**

**Accent Tree**

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

**Annual Flowers**

Flowers that are hothouse grown and available for seasonal 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.

**Ball and Buriapped (B&B)**

Trees and large shrubs that 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 that 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 that lose or shed their leaves in autumn, are without leaves for the colder winter months, and send out new leaves in the spring which remain throughout the summer.

**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 Reviewer. 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 that 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

The combination of existing and introduced plant material and all of the land area within each Lot located outside the boundaries of the building perimeter of the house.

#### Landscape Architect

A professional educated and trained in the thoughtful design of exterior spaces, which designs incorporate utility, practicality and aesthetics. Registration is required in the State of Georgia 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.

#### Landscape/Construction Escrow Deposit

A deposit required of all Lot Owners that is refunded to the depositor when all construction is completed if completed according to the Guidelines and the final plans and specifications approved by the Reviewer. 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 Reviewer.

#### Landscape Gardener

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

#### Landscape Improvements

Trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches, irrigation and landscape lighting systems, and similar existing and introduced Improvements.

#### 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. The line is clearly shown on the Lot plot provided to each Lot Owner.

#### Lot Category

Categories that organize the various Lots within The River Club based upon their relative sizes and whether they are interior Lots, corner Lots, or golf course/amenity Lots. Each Lot category has its particular minimum landscape planting requirements.

#### 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 that 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 not required but are recommended when the Lot Owner desires feedback from the AGO Reviewer on the adequacy of the Lot Owner's landscape plan prior to submission of the Final Landscape Plans and Specifications. Preliminary Landscape Plans and Specifications are not a substitute for Final Landscape Plans and Specifications.

#### Shade Tree

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

#### Site Improvements Application

A required form to be filled out completely and submitted to the Reviewer with the Final Landscape Plans and Specifications. The form is returned to the applicant with the appropriate response given as a result of the plan review.

#### 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, light posts, street signs, etc., creating a distinct character to the experience of driving or walking along a particular street.

#### Street Tree

Trees that are planted along a street, usually in a repetitive manner that distinguishes a particular thoroughfare.