

ARCHITECTURAL CONTROL COMMITTEE NEW CONSTRUCTION AND EXISTING HOMES RULES AND REGULATIONS

Purpose and Authority:

Mountain Creek Hollow is an architecturally controlled community, so established to protect and preserve the beauty and integrity of the environment and property values of the property owners by maintaining architectural standards, aesthetic harmony and compatibility among the lots and structures that make up the community. Towards these ends, the ACC is a standard committee provided for in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MOUNTAIN CREEK HOLLOW DATED 10-28-98 here fore referred to as the CCR's and Bylaws and is charged with "establishing and maintaining architectural standards in the property." The standards will be applied to maintain varying sizes and values, to insure that improvements and modifications suitable for one lot may be inappropriate for another. By utilizing the standards we shall maintain the natural beauty of the development. The ACC is given the authority to make and enforce rules, impose monetary fines, and use other means to insure compliance with Mountain Creek Hollow standards. In addition, the Association also has the authority to correct violations and assess the cost of such corrections to the property owner.

Compliance:

Please familiarize yourself with these rules as well as the CCR's and Bylaws of Mountain Creek Hollow. As a property owner/contractor you are legally obligated to comply with them and are responsible for ensuring that your family, guests and friends do as well.

Pre-Approval:

Just as with new construction, the CCR's require that changes affecting the exterior or lot match the surrounding area aesthetically and must have the prior written approval of the ACC. Forms may be obtained from the ACC chairperson and the ACC will review requests within fifteen (15) working days. Specifically, the following changes require prior written approval by the architectural control committee:

1. Additions of rooms, decks, carports and garages
2. Paving, gravel, asphalt or concrete work
3. Installation of fences, ponds, fountains, etc.
4. Installation of exterior flood or security lights (approval of affected neighbors also required)
5. Exterior painting on new construction and exterior color changes on existing structures.
6. Re-grading or other significant landscaping changes
7. Any outdoor structure

Pre-approval must be requested in writing to the ACC whatever drawings or documents that might be useful attached. For construction that requires compliance with setback requirements, it is the responsibility owner to identify and mark the property boundaries so that compliance can be verified.

The ACC is granted the authority to implement rules, enforce policy, issue fines, and to stop work orders for violations. The ACC also has the authority to approve colors, landscaping, tree trimming and removal.

Builders must agree to all portions of the Builders Package. A builder may be denied approval after three (3) written violations of the MCHPOA Rules and Regulations.

Construction Time Frame:

Mountain Creek Hollow Covenants, Conditions and Restrictions state that construction of a new house must be completed within twelve (12) months from the date construction is approved. For any construction on an existing structure, the time frame is six (6) months from the date that construction is approved.

Water Community Connection Fee:

A water connection fee must be paid upon approval of construction. Please see fees on schedule A. The POA will provide a temporary water hook up include a check valve. The permanent hook up must be inspected by an authorized agent appointed by the MCH Board.

Set Backs:

Proper set back from pins, which are twenty (20) feet from the side and rear line of any lot, forty (40) feet from the centerline of the road.

Construction Plans:

Construction Plans shall include floor plans, elevations, roof, exterior siding, trim and finishing materials. The house must have a minimum of 2000 sq. ft. of heated and A/C of completed (finished) living space with at least 1400 square feet on the main floor (excluding Basement.). A two car garage is the minimum requirement. No car ports are permitted. House, Garage and Driveway will be staked out and shown on plat/survey. Building colors shall be woodsy earth tone finishes. No stucco or metal exterior siding is permitted. All exterior colors must be approved by the ACC.

Retaining Walls:

Retaining walls must be installed to maintain stability of ground around trees, house, etc. to control erosion. Exposed concrete or concrete block foundations must have an exterior finish, i.e., stone, stucco or rock finish. This also includes retaining walls.

Equipment:

No track equipment is permitted on Mountain Creek Hollow paved roads. All track equipment **must** be hauled to the job site, i.e., dozers and loaders. Concrete trucks shall be loaded to minimize spillage and/or damage to the road. If there are any spills or damage from concrete on the roads it is the responsibility of the builder to have it cleaned up or repaired. Concrete trucks are to clean their chutes **only** on the construction site. It is also the builder's responsibility to make sure the area where the concrete truck is washed out is cleaned up. In the event concrete is not cleaned up the home owner will be subject to the cost of the clean up and a fine of up to five hundred dollars (\$500.00).

Ground Disturbance:

Any breakage of water lines or power lines due to construction will result in a damage fee assessed to the lot owner and/or builder. The builder is responsible for making sure the meter box is “recovered” after hook-up to the house.

Silt Fence:

Any construction or landscaping that involves delivery of significant amounts of dirt or disturbing large amounts of existing dirt requires the prior installation of a silt fence around the work area. When work is being performed around a wetland, creek or lake area, two (2) silt fences are required for stabilization. Silt fences must remain in place and maintained until the ground is stabilized. Check with the ACC for guidance.

Driveways:

Any driveway with an elevation upgrade of 12% or more from the street shall have a concrete or asphalt apron. This will be required to keep the washing of gravel off the road right of way.

Water Flow and Drainage Control:

To the degree possible, the natural channels of run off should be maintained. When this is not practical, French drains, ditches, culverts, curbs, or swale diverters should be utilized to remove run off to its natural channel. The following steps should be taken prior to the onset of construction and request for approval of construction plans. Inspect the existing conditions. Determine the existing flow of water over the area to be improved. Estimate the effect of plan changes of the existing water flow. Plan for flow return as much as possible to the normal run off.

Trees:

Property owners must obtain written approval from the ACC before cutting or trimming any trees. Violations are subject to a fine as set forth under section 11 of the MCW Covenants

Sanitation:

During the entire period of construction a “port-a-pottie” is to be provided on the job site for all construction personnel and to be located away from the mountain’s roadway.

Site Maintenance:

The lot(s) is/are to be kept clean of all personal trash at all times. Building material remnants are to be trucked off the site every other Friday or sooner if necessary. All building materials are to be placed as inconspicuously as possible. It is the builder’s responsibility to see that the roadway is cleared of any debris daily before leaving the job site. Debris, scrap and waste materials must not be buried under backfill. Violations will be given a written notice by the ACC and must be in compliance within forty eight hours or will be charge cost of site maintenance and subject to a fine.

Burning:

There will be no burning of any construction materials. Burn permits are available by calling 706.374.6263. Keep all burns small, have burns monitored at all times including when embers are still hot, and have a hose available at all times at the burn site.

Limitations:

Construction personnel are not permitted to use any of Mountain Creek Hollow amenities. Any worker violating this rule will be denied access to Mountain Creek Hollow.

Certificate of Occupancy:

No occupancy of dwelling is allowed until Certificate of Occupancy is obtained from Gilmer County Building Department.

Appeals:

Any decision by the ACC may be appealed to the ACC with justification for the appeal. If denied, the decision may be appealed in writing to the Board of Directors with complete documentation of the denied request.

Amendments:

The ACC may alter, amend or repeal the standards subject to the approval of the Board of Directors.

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(Upon execution of this agreement, the property owner/contractor shall post a cash bond or letter of credit in the amount indicated in the bond schedule for the purpose of assuring Mountain Creek Hollow Property Owners Association of financial stability and to assure payment of liability for damages or penalties arising from violation of the terms of this agreement.)

Upon any violation of the terms of this agreement, or Gilmer County Building Development ordinances, written notice thereof shall be provided and/or posted conspicuously on the premises. A phone contact will be attempted; however, the violation period starts from the time of posting. In the event that said violation has not been rectified within twenty-four (24) hours of posting for silt fence and forty-eight (48) hours of posting for other violations, then the ACC shall have the right to take such action as necessary to correct such violation at the expense of the owner/builder.

The lot owner hereby consents to the entry by the ACC onto his/her property for the purpose of such corrective measures as are reasonably necessary. Further, the direct and indirect cost of their measures shall be deducted from the bond as set out above. Any amount which exceeds the bond shall be the responsibility of the lot owner and builder. In addition to the cost of these corrective measures taken by the ACC, a penalty of one hundred dollars (\$100.00) per day shall be assessed (against the bond or letter of credit) for each day after expiration of the twenty-four (24) or forty-eight (48) hour period during which the violations continue.

Upon completion of construction, the bond amount or remainder thereof, shall be returned to the builder. Any deficiency or additional liability to the MCHPOA, pursuant to the terms of this

provision, shall create a lien against the property of the lot owner and may be enforced the same as other assessments by the MCHPOA.

Upon notification to the property owner/builder of violation of this agreement, the ACC reserves the right to deny access to the building site to all contractors, sub-contractors, vendors, workers, etc., until said violation is corrected and accepted by a representative of the ACC.

Builder’s Signature

Property Owner’s Signature

Lot Number

Date

ACC Signature

Notary Signature

All contractors will comply with MCHPOA CCR’s

SCHEDULE A
FEE SCHEDULE

- Builders Bond / letter of credit \$5,000.00
- Road Impact Fee \$875.00
- Water Community connection \$1400.00
- Temporary Water Hookup \$75.00
- Use of Temporary Water \$125.00
- New member fee \$475.00
- Late fee 10% per month.