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PEBBLE CREEK POA ARCHITECTURAL REVIEW GUIDELINES

A Supplement to the First Amended and Reinstated Declaration of *Covenants & Restrictions Instrument # 1809172 (2/3/2020)*

THIS INSTRUMENT
PREPARED BY
Tom Perrymon President PCPOA
PO Box 334
Foley, AL 36536

PCPOA ARC Committee Approved/Recorded August 20, 2020

Pebble Creek Property Owners Association, Inc.
P.O. Box 334
Foley, AL 36536

Architectural Review Guidelines (ARC)

The purpose of these guidelines is to support and provide additional clarification in the Covenants and Restriction and for the homeowner Architectural elements as required in the First Amended and Reinstated Declaration of Covenants and Restrictions for Pebble Creek Subdivision recorded on February 3, 2020.

Definition of Acronyms: The acronym ARC shall reference the Architectural Review Committee in the established Guidelines and provisions in the Covenants and Restrictions (C&R). The acronym C&R is to reference the Covenants and Restrictions of the association. The abbreviations will be used throughout this document and are also used in the First Amended and Reinstated Declaration of Covenants and Restrictions for Pebble Creek Subdivision instrument # 1809172.

ARC Committee Duties: The ARC committee as per C&R Section 1.9 and 3.1 shall have at least (3) members from the property owners with one member from the board as ex-officio chairperson of the committee. Board members may serve as members if necessary. The committee shall have the authority as granted hereinafter to approve or disapprove, among other things, any development or redevelopment of any part of the Subdivision or Common Areas and the following areas.

1. To review design applications for compliance with the C&R and design criteria.
2. To promote compatible design and harmonious relationships between parcels and within land use.
3. To ensure that all properties are maintained in the manner prescribed by the C&R.
4. To monitor the compliance design and maintenance criteria of all projects that fall within their oversight.
5. To provide reasonable assistance to bring applications into compliance with the C&R.
6. To maintain records of applications and design documents of the association.

Limitation of Responsibilities: The primary goal of the committee is to review applications, plan, specification, materials and samples submitted to determine if the proposed improvements conform in appearance and construction criteria set forth by the committee and provisions within the C&R. The ARC Committee does not assume responsibility for the following.

1. The structural adequacy, capacity or safety of the proposed improvement or structure.
2. Soil erosion, un-compactable or unstable soil conditions.
3. Easements or utility right of ways on private or association property specifically underground utilities.
4. Compliance with any and all building codes, safety requirements, governmental laws, regulations or ordinances.
5. Performance or quality of work of any contractor and or their sub-contractors.

Clarification and Approval of Existing Structures: Prior to the approval and recording of the First Amended and Reinstated Declaration of Covenants and Restrictions for Pebble Creek Subdivision. The 2019 Board of Directors failed to receive the exchange of custodial records from the previous ARC Committee therefor making it impossible to know what structures were approved. Due to this failure to provide proper documentation and the fact that many homes have sold and conveyed to new owners the Board of Directors and ARC Committee have deemed the location and materials of all storage buildings, screened porches, swimming pools and their enclosures, fences with the exception of fences that connect to the associations "White Vinyl Fence" that runs parallel to South Hickory, etc. as "Pre-Existing" prior to February 3, 2020 of the First Amended and Reinstated Declaration of Covenants and Restrictions for Pebble Creek Subdivision.

From this date February 3, 2020 (2/3/2020) forward all new structures (IE: Fences, Storage Buildings, Etc.), must comply with the Amended C&R requirements and ARC Guidelines. Please note the repair of existing items does not apply unless it is totally replaced with something other than what was previously in place (Example: 6' wood dog ear fence replaced due to damage with same type is acceptable).

Design Review Procedures: As per **C&R Section 3.2** In order to obtain ARC review of a proposed improvement the Homeowner is to submit an application to the ARC Committee. Applications can be obtained by emailing the Board at pebblecreek36535@gmail.com or by contacting an ARC or Board Member.

Applications should be submitted at least 30-days in advance to the start of a project however the committee may accept a shorter timeframe of 10-days if the project is not a major improvement. The ARC Committee will render a decision as soon as possible but no shall not exceed 30-days after receipt of application. Homeowner or Contractor should be prepared to submit the following in addition to the application.

1. Name and Address of Homeowner
2. Contact information Telephone/Cell/ Email Address of Owner and Contractor
3. Description of proposed improvement
4. Site plan and drawings or illustration of proposed improvement
5. Any additional information that will aid the ARC Committee in a decision

Notice of Completion: Homeowner must notify the ARC Committee of the completion of any requested project or improvement. The ARC will then inspect if necessary, the owners request and advise if there are any concerns or defects. If a concern or defect is noted the owner or their contractor shall have 45-days to remedy the condition. The ARC Committee reserves the right to make adjustments as needed.

Nuisance clarification in C&R Section 2.3: For clarification purposes in relation to ARC Guidelines the term hidden from public view within this section is meant to imply behind a fence or screened by plant like materials (IE: Shrubs, Trees, Flowing Plants etc.) regardless if a portion of any such item may be seen above, around or through a fence or the screening object it is considered properly hidden.

Vehicles on Grass in front of lots is defined as the Vehicle being fully parked with all four tires in the yard or portion of the yard to the front of the home for an extended period of time. A vehicle parked on the street with two tires on the edge of the grass is not considered a violation or nuisance.

Operation of Motorbikes, Motorcycles, Etc. on lots: The intent of this section was to prevent individuals and children from riding or operating these types of vehicles on the homeowner's lots such as to cause a nuisance. General usage of a Motorcycle or Motorbike as a means of transportation on the streets is permitted.

Clarification of C&R Section 2.2: **Buildings and Other Structures.** The Property Owners Association main concern is that all outbuildings fit within the current look and aesthetic appeal of the neighborhood. The term trailer is in reference to a prefabricated structure such as a mobile home or portable classroom or construction office trailer for living or habitable purposes. This does not include RV's or Campers that are kept behind a fenced yard and are not used for living purposes on the lot/property as per section 2.11. The word **Tent** does not include popup or Ez-up portable overhead covers or pool/beach umbrellas. The term "outbuildings" shall include garages, carports, and similar storage for motor vehicles, pump houses and storage sheds or other buildings for domestic animals permitted hereunder and pets, children's playhouses (one story only), guest quarters and structures of a similar nature for the convenience and pleasure of the occupants of the main dwelling and which are not incident to any commercial enterprise, business or profession. All outbuildings (specifically storage sheds or free-standing carports) must be securely anchored to the ground and have a minimum wind rating of 100-110 mph or higher as required by City of Foley, AL building codes. Storage sheds may be pre-manufactured and brought onto the lots. All outbuildings shall be placed behind a fence. No more than one (1) storage building (excluding carports or garages) shall be placed on any lot. Storage buildings shall be a maximum of 200 sq feet and one story tall. All plans to build or install such structures must be approved by Architectural Review Committee prior to construction. All buildings are subject to City of Foley permits and building codes. **The ARC requires after 2/3/2020 all New Outbuilding must have an asphalt or fiberglass shingle roof that should match as close a possible to the homes roof.** All swimming pools must get ARC approval before construction, All pools shall be constructed behind or to the side of homes. No above ground swimming pools are allowed (This does not include small plastic wading or kiddy pools).

Sign clarification C&R Section 2.4: The C&R identifies signs in the yard to be For Sale/Rent and temporary Garage/Yard Sale as acceptable. The association has determined that homeowners with Swimming Pools, Hot Tubs may be required by some insurance companies to post No Trespassing or Keep Out signage for liability purposes; these signs along with home security are acceptable on any property regardless if they have a pools or hot tubs as long as they are no larger than 12-Inches by 12 Inches (12"x12") and placed on appropriate fence or gate. In addition, local school or athletic support signs such as High School Senior, Band Member, etc. are allowed in a temporary manner for the time that is appropriate. Signs must be displayed in Flowerbeds by home and not in the yard. This is to show community support of our students.

Mailboxes C&R Section 2.10: Mailbox criteria as in previous construction phases consisted of a decorative beige/tan colored post cover with coastal bird emblem with a decorative brass, brown or standard black mailbox. The association realizes that some of the post and mailboxes are in need of repair and homeowners are to check with the ARC Committee on where to obtain appropriate materials or paint colors for post or mailboxes. Standard Black, Brown or Brass colored steel or aluminum mailboxes approximately 24"x12"x15" or slightly larger are approved as acceptable replacement.

Use of Propane Gas Tanks: General propane gas tanks up to 100lb size or smaller for use with BBQ Grills, Fire Pits, Generators, Pool Heaters and other equipment is permitted as long as they are kept behind the property's fenced in yard. Tanks over 100lb size are required to be buried along with proper permits and restrictions established by the City of Foley and or Baldwin County AL.

Mechanical Equipment: Mechanical equipment such as HVAC Heating and Cooling, split pack condensing units, solar heating, etc., shall be installed to the sides or rear of homes as to not distract from the appearance of the front of the home, Under no circumstances shall any HVAC equipment be roof mounted, Solar panels for pools on the side or back of roofs are allowed but must be approved by the ARC before installation. Window mounted Air Conditioners in the front of the homes or garages are allowed as long as they are screened by plants or shrubs to help hide the unit.

Construction Requirements: **Sections 3.3 through 3.13 of the C&R read as written.**

3.3 Construction Requirements

(a) Only new construction materials (except for used decorative brick) shall be used and utilized in constructing any structures situated on a Lot.

(b) All exterior construction on the primary residential structure must be completed in accordance with approved plans not later than twelve (12) months, following commencement of construction. For the purpose here-of, the term "commencement of construction" shall be deemed to mean the date on which the building permit granted by the proper local authority. Construction halted for more than twelve (12) months, or manifestly incomplete after the termination of twelve (12) month period following the commencement of construction, or abandoned indefinitely, must be removed at the Owner's expense. Such removal shall include the deconstruction of all roofs, walls and foundations, and any remaining excavations shall be filled in and natural vegetation allowed to recover. Notwithstanding the foregoing, the Architectural Review Committee may, at its sole discretion, grant an extension in writing to such twelve (12) month period, provided that exterior construction has been diligently pursued and/or the operation of extenuating circumstances warrant such extension.

3.4 Size of Residence No residential structure erected on any Lot shall have less than sixteen hundred (1600) square feet of heated floor space, exclusive of the area of attached garages, porches, guest or servants' quarters or other appurtenances or appendages. No residential structure erected on any lot shall have a roof pitch less than 6 on 12. All residential structures must use architectural or dimensional shingles; traditional flat shingles will not be allowed.

3.5 Building Locations and Setback Unless otherwise provided for on the plat, the front building setback shall be a minimum of thirty (30) feet from the front lot line. The side building setback shall be a minimum of ten (10) feet unless otherwise specified in the plat. Rear setback for outbuildings shall be a minimum of five (5) feet. For the purposes of this Subsection 3.5, eaves, steps, and open porches shall not be considered as part of a building; provided, however, that this shall not be construed to permit any portion of a building to encroach upon or overhang any other Lot. If two or more Lots, or fractions thereof, are consolidated into one single building site, these building setbacks shall be applied to such resultant building site as if it were one original, platted lot. In no case shall a setback violate any Baldwin County or City of Foley setback requirement.

3.6 Landscaping, Walls and Fences Walls or fences constructed or erected on any Lots shall be of ornamental iron, wood (finish other than natural stain must be approved by ARC), vinyl or masonry construction. No Chain Link, Pasture or Barbwire fences are permitted. No fence shall exceed six (6) feet in height, if ground slopes the fence may follow natural contour of ground or it may be stepped or adjusted in order to keep top of fence line level. All fences should be neighbor friendly by not showing support or truss boards facing out. No wall or fence shall be constructed from the front property line to 20 foot behind the corner of the house nearest front property line. All Lots shall be grassed in the

entire designated yard area by sodding, the yard shall be landscaped, over seeding is permitted for bare areas or to help fill in spots. It shall be the Owner's responsibility to maintain any landscaping, walls or fences situated on a Lot so that such improvements remain in an attractive, well-kept condition. Broken or loose fence boards and gates should be repaired or replaced, and fences must be kept in good condition at all times.

3.7 Driveway and Walkway Construction All driveways shall be constructed of standard white/gray colored concrete and have a minimum width of eight (8) feet. Where curbs are required to be cut for driveway entrances, the curb shall be repaired in a neat and acceptable fashion. All driveways must be constructed in a manner that will not alter the requirements of the drainage system constructed for the Pebble Creek subdivision. All curbs must be cut before being removed to construct driveways and shall be repaired in a neat and workmanlike manner. The Architectural Review Committee must approve all driveways & walkways.

3.8 Utility Connections. All house connections for all utilities including, but not limited to, water, electricity, telephone, and television shall be run underground from the proper connecting points to the dwelling in such a manner to be acceptable to the governing utility authority, and not encroaching on other lots adjoining.

3.9 Lots on Wetland Areas, Body of Water. No Lot shall be increased in size by filling in of any wetlands, body of Water, creek or any waterway on which it may abut without appropriate governmental permits (if any are required) and prior written approval of the Architectural Review Committee.

3.10 Minimum Construction Standards and Inspections In addition to compliance with the requirements set forth under this Declaration, any and all improvements on any Lot shall comply with the standards and provision of the City of Foley, Baldwin County, and Alabama Building Code. During all phases of construction and improvements on any Lot, the Architectural Review Committee or its designated representatives may make periodic inspections for the purpose of determining compliance with the provisions of this Declaration.

3.11 Easements An easement is reserved over and across each Lot in the subdivision (except those portions on which a residential dwelling is actually constructed) for the purpose of installing, repairing, and maintaining or conveying to proper parties for the installation, repair or maintenance of electrical power for the Lots in the subdivision, and easements shown or reserved on the recorded plat of the subdivision if any, are hereby adopted as part of these restrictions.

3.12 Lot Drainage No one shall change the natural contours of the land causing undue and harmful flow of surface water drainage to adjoining property owners. These drainage patterns shall not be altered. On Lots with drainage easements, (as reflected on recorded plat) no structures, planting, or other materials including fencing, of a permanent nature, shall be placed or permitted to remain which may change the direction or flow of drainage channels in the easements, or obstruct or retard the flow of water through any such drainage channels.

3.13 Waivers By Architectural Review Committee The Architectural Review Committee shall have the right to grant variances in writing from the specific requirements of these covenants for building setbacks for both primary buildings and outbuildings and for pools, fencing, building material and eave overhangs if, by not granting the variance, the lot owner will experience, in the sole discretion of the Architectural Review Committee, an undue hardship.

Pebble Creek Property Owners Association Inc. hereby acknowledges the approval and execution of recording for the Architectural Review Guidelines (ARC), A Supplement to the First Amended and Reinstated Declaration of Covenants and Restrictions recorded on 2/3/2020 Instrument # 1809172 by its members of the association.

IN WITNESS WHEREOF, the Officers of Pebble Creek Property Owners Association, Inc. has caused these presents to be executed in its corporate name, by its proper officers thereunto duly authorized this 20th day of August 2020

EXECUTED this 20th day of August 2020

PEBBLE CREEK PROPERTY OWNERS ASSOCIATION, INC.

By: Thomas R. Boatright Vice President/ARC Chairman
Board of Directors

Witnesses:

Printed Name: Tommy Perrymon
President, Board of Directors Pebble Creek Property Owners Association, Inc.

Wittiness: _____

Printed Name:_____

STATE OF ALABAMA

Printed Name:_____

COUNTY OF BALDWIN
Before me, the undersigned, Notary Public in and for said County and State, on this day personally appeared Thomas R. Boatright, Vice President and the Witnesses and Directors listed above of the Board of Directors of the Pebble Creek Property Owners Association, Inc., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same voluntarily and on the day the same bears date.

Given under my hand and seal this 20 day of August, 2020

Holly L Woodall Notary Public

My Commission Expires: 1-6-2024

HOLLY L. WOODALL NOTARY PUBLIC ALABAMA STATE AT LARGE My Comm. Expires Jan. 06, 2024