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# Beaver Creek Preserve Residential Association Policies

Adopted by the Beaver Creek Preserve Association Board of Directors – June, 2014




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The Beaver Creek Preserve Declaration of Protective Covenants, Conditions and Restrictions are filed in the Office of the Judge of Probate of Shelby County, Alabama in Instrument 1998-29313. Beaver Creek Preserve, a Residential Subdivision, is described in Map Book 26, page 54 as recorded in the same Probate Office.

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## Beaver Creek Preserve Residential Association Policies

The Beaver Creek Preserves Covenants and Restrictions (Covenants) is the governing document for Beaver Creek Owners Association. It provides for the establishment of the Board of Directors, Officers and Committees and leadership and guidance for the community. *Article V – Architectural Review Committee and Architectural Standards* of the Covenants establishes the Architectural Review Committee (ARC) and authorizes the ARC to promulgate and amend or modify written Architectural Standards (Standards) governing policies, guidelines and minimum requirements to be satisfied with respect to construction, landscaping and design of all Dwellings and other Improvements of any Lot as well as Use and Property Restrictions.

Amendments and/or modifications will be made to this document to help clarify existing standards, define standards that were not initially created, accommodate for outdated colors and materials and trends, and to reflect the collective desire of the residents of this community.

The ARC Standards adopted by the ARC shall be an addition to the provisions and requirements set forth in the Covenants and shall be binding upon and enforceable against all owners. The ARC is authorized and empowered by the Covenants to approve the plans and specifications for anything that affects the exterior appearance of any lot or dwelling.

### 1. Approval of Plans and Specifications

Section 5.5 in the Covenants states that:

- In order to preserve the architectural and aesthetic appearance and the natural setting and beauty of the property,
- To establish and preserve a harmonious design for the property and
- To protect and promote the value of the property, lots, and dwellings and improvements,

No improvements shall be commenced, erected, installed, placed, moved onto, altered, replaced, relocated, permitted to remain or maintained on any lot or dwelling by any owner which affects the exterior appearance of any lot or dwelling unless plans and specification have been submitted to and approved by the Architectural Review Committee.

Requests maybe made by letter to the ARC or the Request Form (Exhibit A of the Residential Policies) may be used for requests. All requests should include a full description of the nature of the requests including, if applicable:

- ✓ Copy of Survey or drawing of lot with proposed placement along with dimensions
- ✓ Full description of proposed materials, finishing, colors, styles
- ✓ Manufacturer name and brochure or picture
- ✓ Any other information that accurately describes request

The ARC (5.5c of the Covenants) shall determine if request by an Owner is acceptable. The ARC may disapprove any plans and request upon any ground which is consistent with provisions in this policy or the Covenants, including purely aesthetic considerations. Request may also be disapproved for but not limited to such things as failure to provide requested information, objection to the design, appearance or materials, location of proposed improvements.

Owners will receive a response to the request either approving or denying the request. Denials will include the reason for denial and include the additional information, if applicable, that may be needed for reconsideration reconsider.

### 2. Enforcement and Remedy

**2.1. Improvements with no Approval** - Improvements that are initiated, installed, maintained, altered, replaced, relocated on any Lot or Dwelling without approval of the Plans and specification (Section 5.7) may be deemed to be in violation of the Covenants or this Policy and subject to the remedies provided in Article 11 of the Covenants. These remedies include the option to:

- a) Impose a monetary fine, a personal obligation of the owner, which could result in a lien on the property or
- b) The ARC may take all action necessary to extinguish or correct any violation. Any expenses incurred by the Association, the Board or the ARC to correct the violation are the responsibility of the owner.

**2.2. ARC Policies –Noncompliance** – The policies and standards stated in this document provide use and property guidelines of the neighborhood and are the responsibility of the owner and the tenant if rented. Owners, or their tenants, not in compliance with the policies and standards will be handled in the following manner.

**2.2.1. Notification**

- An initial letter of notification of the non-compliance to the policies will be sent to the Owner and Tenant, if rented.
- If the non-compliance is not corrected within 30 days a second letter of notification will be sent to the Owner/Tenant.
- If the non-compliance is not corrected within 30 days a final letter of notification and assessment/action will be sent if the Owner/Tenant.

**2.2.2. Enforcement** – Fines will be imposed (Article 11 of the Covenants) with the 3<sup>rd</sup> notification of non-compliance with these Policies and or Covenants.

- A monetary fine of \$250 per month will be assessed to the Owner for non-compliance.
- Payment of each assessment will be expected within 30 days.
- Continued non-compliance – Article 11 of the Covenants provides the Association, Board and or ARC to take action to extinguish or correct the violation. Continued non-compliance could result in of following actions:
  - Nonpayment of fines will result in liens placed against the property.
  - Association, Board or ARC or representatives may enter Lot or Dwelling and take action to extinguish or correct the violation.
  - Owner will be subject to all costs and expenses occurred by the Association, Board and ARC in these matters which include, but not limited to, legal fees, cost and expenses of anyone required to correct or remove any noncompliance


**3. Beaver Creek Preserve Policies**

These policies are based on the Covenants and Restrictions of Beaver Creek Preserve and those standards established since the incorporation of the community. **Note:** Any improvements or changes approved prior to the Board Approval of this document are not considered in violation of these policies.

**3.1. Lots and Landscaping** - All homeowners/tenants are responsible for properly maintaining a neat appearance to all landscaping visible from the street. This includes property outside of fenced areas on the resident's property and does apply to all property that borders another resident's property including hills or slopes.

**3.1.1 Regular Maintenance includes:**

- Regular mowing of grass and removal of grass clippings (dumping into sewer is prohibited)
- Treatment to control weeds
- Pruning of all trees and shrubbery to maintain shape, visible entrance to dwellings and away from roofs and gutters
- Edging grass along curbs, gutters, driveways, walkway and natural areas
- Regular removal of leaves from front lawn
- Regular refresh of mulch or pine straw in all natural areas
- Regular maintenance includes all areas outside fencing that adjoin other residents property (includes areas up slopes and down hills)

  
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### **3.1.2 Edging and Borders**

Prior to installation all edging or borders must be approved by the ARC. Guidelines for border choices are:

- Approved edging as defined in Exhibit C of this Policy
- Solid bricks – no more than four inches high and level on top. Bricks with holes are not allowed.
- Metal, Plastic or wood edging is not acceptable

### **3.1.3 Retaining Walls, Irrigation and Drainage Control**

Prior to installation all plans for retaining walls, irrigation and drain control must be approved by the ARC. Request should include dimensions, drawings and placement if applicable. Note: efforts to control water on the property must not direct water onto or negatively impact adjoining property.

### **3.1.4 Foundation Plantings and Trees**

All residences should have evergreen or other shrubs planted along the front foundation. Seasonal flowers or flowering plants are not required. Any significant changes to the landscaping must be approved by the ARC before its installation.

### **3.1.5 Vegetable and Herb Gardens**

Vegetable and herb gardens shall not be placed in the front or side of the residence, or otherwise visible from the street.

### **3.1.6 Fencing**

Prior to installation all fences, of any kind, must be approved by the ARC. Request should include description of the materials and type of fencing including dimensions and map or drawing to reflect placement.

### **3.1.7 External Decorative Items**

Items including, but not limited to, the following items should not be to be visible from the front or side of the residence at any time:

- Bird baths, Bird Houses
- Fountains, rock gardens, rock walls
- Decorative containers, flower pots of any kind
- Statuaries, Lawn sculptures, concrete statues, figurines of any kind
- Artificial plants, artificial flowers
- Ornamental hangings, metal artwork, welcome signs
- Craft items, artwork, trestles
- Reflectors, solar lights along driveway or walkway

Note: Holiday decorating is allowed from October 15 through January 15

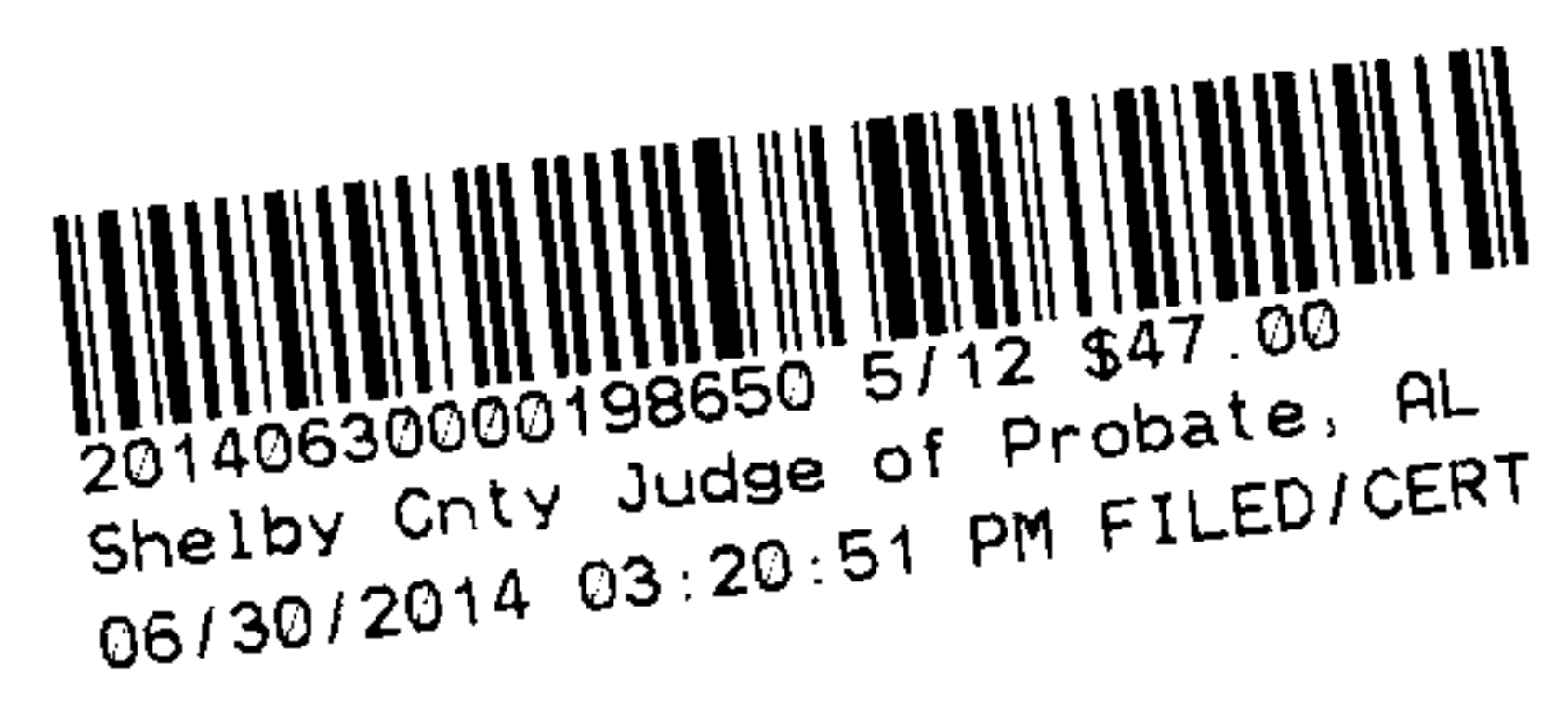
### **3.1.8 Fire Wood**

Firewood or other piles of wood should not be visible from the front or sides of dwellings of visible from the street.

## **3.2 Vehicles and Parking**

### **3.2.1 Resident Occupant and Visitor Parking**

- Each residence has a two car garage and a driveway for at least 2 cars. Occupants of the residence must utilize the garage and driveway for parking all vehicles. Cars of those who reside in the residence should not be regularly parked on the street.
- Cars should never be parked on sidewalks, lawns or on the grass along the entrance and public areas where irrigation is installed.



- Vehicles of occupants, including visitors with extended stays, should not park in front of other homes, block driveways, mailboxes nor prohibit or impede other residents from backing out of their driveway or passing on the street.
- Overnight visitors or visitors for an extended visit must park cars in the garage or driveway of the residence and not on the street.
- Regularly occurring parties, meetings, events that have more attendants than are able to park in the driveway or front of residence are not allowed.
- Vehicles of occupants or guest should not block other driveways or prohibit/impede other residents from backing out of driveway, should not park on both sides of the street in order to prohibit other car or emergency vehicles from passing
- Vehicles should never be parked in the driveway and half way into the street.
- Other situations regarding parking that are problematic for surrounding residents will be addressed.
- All City of Pelham ordinances apply. The City will be contacted when necessary to enforce city ordinances. Vehicles may be towed at the owner's expense.

### **3.2.2 Other Vehicles**

- Mobile homes, motor homes, trailers, and campers of any kind must not remain in the driveway or visible overnight. These vehicles must be parked outside the neighborhood.
- Boats and any other watercraft must not remain the driveway or visible overnight.
- Any other kinds of vehicles or equipment must not remain in the driveway or visible from view overnight.
- Inoperable vehicles should be immediately removed from the property.

### **3.3 Equipment, Recreational Items and Furniture**

- Gardening equipment, water hoses and water hose containers should be stored after use and not left in the yard or anywhere visible from the street.
- Recreational equipment, swing sets, trampolines, free standing playhouses, or children's toys should be stored after use and not left where visible from the street.
- Basketball backboards should not be attached to the house and portable backboards should be put away after use and not visible from the street.
- Barbecue grills or Outdoor cooking equipment should not be visible from the street
- Lawn furniture should be in the back yard or behind fences and not visible from the street.

### **3.4 Flags**

- Flag poles are not allowed in the front or sides or residence.
- The American flag may be displayed by wall mounting to garage area. Flags should be in good shape and removed when faded or tattered.
- School or college flags maybe displayed immediately prior to a game but should be removed following games.
- Decorative flags may only be displayed during the period October 15- January 15 when holiday decorating is allowed.

### **3.5 Garbage and Recycle Containers**

- Garbage and recycle containers should be placed on the street Thursday night, for pick up on Friday.
- Containers should be removed from the street by the day following pickup
- Containers should inside the garage, behind the residence or inside a fence and should not be seen from the street when not out for pickup.



### 3.6 Mailboxes

- One (1) mailbox for each lot
- Standard size and shape black metal mail box (plastic or wood boxes are not allowed)
- Contain only house number – no other inscription, painting, artistry
- Mailboxes and post should be painted black.
- No decals, signs, newspaper boxes attached to mail boxes or posts
- Letters – 3 inch white vinyl stick on numbers consistent with those in the community

### 3.7 Signs

- Garage signs – One sign may be located in the homeowner's yard and directional signs may be placed the day before the sale and must be removed at the conclusion of the sale.
- Election Signs – Only one political sign is allowed per yard 30 days before an election and must be removed after Election Day.
- Real-estate Signs – One on premise, unlighted real estate sign "For Sale" or "For Rent" sign shall be allowed. The sign may be mounted on a stake at a height not to exceed 36 "to the top and should be removed within 5 days after the sale or rental of the property. A single freestanding fact sheet box may be displayed near the signage.
- Security System Signs – one yard sign will be allowed per dwelling and should be located in shrubbery near the dwelling mounted near ground level. Signage should not be placed on the mailbox or post.
- Approved Neighborhood Watch window decals may be placed in windows or garage door windows.
- "Beware of Dogs", "No Trespassing" or similar signage is not allowed on any part of the dwelling or fencing visible from the street.

### 3.8 Hot Tubs and Pools

Prior to the installation of any hot tub or above ground pool ARC approval is required. A description of the hot tub/pool along with dimensions and diagram of placement is required with request. Guidelines are as follows:

- Tubs/pools must be installed at ground level. No tubs/pools which are in-ground or on an elevated deck are allowed on any property.
- Maximum size for hot tub is 6 person capacity.
- Tubs/pools must be located in a fenced back yard with a 6 foot privacy fence and not visible from the street. (New fences must be approved by the ARC).
- Tubs/pools must be securely covered and locked when not in use.
- Must be installed by a licensed professional and conform to all city, state and Beaver Creek specifications.
- Tubs/pools must be properly maintained to ensure they do not become a breeding area for mosquitoes

### 3.9 Dwelling

The following guidelines apply to the exterior of all residences. Any improvements to the exterior must be approved by the ARC. Requests should include a description of the improvements along with dimensions, placements materials, color and any additional information necessary to describe.

#### 3.9.1 External Materials and Finishes

- Repair of any external wood services should be made with hardy board or similar materials
- Installation of new roofs must be approved by the ARC. Roof shingles may be three tab or dimensional. Roof color may be dark gray, black or brown consistent with other roofs in the community. Other materials such as metal, wood, etc. are allowed.
- Wooden steps, stoops or porches are not allowed on the front or side of dwellings.
- Concrete, concrete block or cinder block should not be used on any exposed building surface
- Wood surfaces on the exterior should be painted to match house trim except decks and fences. (See Exhibit B for approved colors)
- Vinyl siding is not an approved material for any part of the dwelling.

### **3.9.2 Porches and Patios**

Enclosure of existing covered porches and the addition of porches, patios or sunrooms must be approved by the ARC prior to installation. Requests should include description of changes or addition, full description of materials and color to be used and a drawing to reflect the placement of any addition.

### **3.9.3 Garages**

- Garages should be kept closed except when in use.
- Garages should not be converted to any use other than for parking of vehicles.

### **3.9.4 Lighting**

- Replacement fixtures for entrance and garage must be approved by the ARC. Requests should include description (size and color) and picture or drawing of the style.
- Exterior lighting for any dwelling, including free standing lighted and utility lights attached to dwellings require approval of the ARC.
- Solar or other lighting bordering driveways, walkways, etc. is not allowed in the front of sides of residences or visible.

### **3.9.5 Windows/Doors**

- Reflective glass or film is not permitted on the exterior of any dwelling Replacement or addition windows should be wooden; no aluminum or metal windows are allowed.
- Full view storm door with glass/Plexiglas inserts are allowed with ARC approval for front or side doors. Screen doors are not to be used on the front or side doors.
- All windows should have appropriate window treatments – sheets, bed linens, blankets, paper, or plastic are not appropriate window treatments.
- Black/Dark brown bubble canvas awning is allowed over the front door of the two story dwellings that have no arch window directly over the door and no overhang or protected covering.
- Foil or other reflective materials should not be used on any windows.
- Storm Doors must be approved by the ARC prior to installation. All storm doors should be metal and painted to match the door and or house trim.
- Ornamental security doors are not allowed.

### **3.9.6 Satellite Dishes**

Satellite dishes, no larger than one meter in diameter, may be installed in a location that is least visible for the street in order to receive a strong signal.

### **3.9.7 Generators**

Any installation of an outside generator must be approved by the ARC. Request should include a description including color, dimensions and diagram showing the placement of the generator. The size and color should blend in the landscape and be as concealed as possible.

### **3.9.8 Other**

- Solar or other energy collection panel, equipment or device is not allowed to be installed or maintained on any lot.
- Mounted heating or air conditioning units or windows fans are not allowed.



### **3.10 Pets and Animals**

- Animals may not be kept for breeding or commercial purposes.
- No pet shall be allowed to make an unreasonable amount of noise or become a nuisance.
- All structures or areas for the care, housing or confinement of any pet shall be located at the rear of a dwelling, shall not be visible from any street providing access to the property and shall be constructed of materials and of a size approved by the ARC.
- Dogs and cats shall not be allowed to roam unattended within the property; all dogs shall be kept and maintained within fenced or walled areas on a lot or dwelling, as approved by the ARC, or otherwise under leash.
- Pets shall not be permitted to leave excrement on the lot or dwelling of any other owner and the owner of such pet shall immediately remove the same.
- All City of Pelham Ordinances apply. The City will be contacted when necessary to enforce city ordinances.

### **3.11 Home Offices/Businesses**

No professional or home industry shall be conducted in or on any part of home or property without the written approval of the ARC. This includes utilizing the garage so that vehicles of the residents are unable to utilize for parking.

### **3.12 Trash, Rubbish and Nuisances**

- No trash, garbage, rubbish or debris of any kind shall be dumped, placed or permitted to accumulate on any portion of the property or any adjacent property.
- Littering of neighborhood entrance, streets, sidewalks or other common areas is not allowed. Owners/Renters are responsible for ensuring that occupants of the dwelling and guests do not litter.
- Dwellings or any portion of the property shall not be unsanitary, unsightly, offensive or detrimental to persons using, occupying or owning any other lots or dwellings within the neighborhood
- Each owner and/or tenant and their guests shall refrain from any act or use of a lot or dwelling which could cause disorderly, unsightly or unkempt conditions that could result in the cancellation of or increase in insurance coverage or premiums for any portion of the property or be in violation of any law, statute, ordinance, rule, regulation or requirement of any Governmental Authority.
- No exterior speakers, horns, whistles, bells or other sound devices, other than security and fire alarm devices used exclusively for such purposes, shall be located, used or placed upon any lot or dwelling or other portion of the property.
- No outdoor burning of trash, garbage, leaves, wood, shrubbery or other materials shall be permitted on any lot or dwelling.



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**Exhibit A**  
**Beaver Creek Preserve**  
**Architectural Review Committee (ARC) Request Form**  
**245 Beaver Creek Parkway**  
**Pelham, AL 35124**

**Date:**

**Owner/Resident:**

**Address:**


**Telephone Number:**

**Email Address:**

**Request Approval for:**

**Please include with request, as applicable:**

- ☐ Full description of request including dimensions and specifications
- ☐ Describe the materials to be used including color
- ☐ Provide samples, brochures, pictures as examples
- ☐ Survey or drawing to scale indicating changes, proposed location, etc.

  
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## Exhibit B Materials and Color Packages

### Exterior Brick and Mortar Packages

Package	Brick	Mortar
A	Monticello Blend Brick	Colonial Buff Mortar
B	Homewood Brick	Magnolia Mason Mix Mortar
C	Arlington Antique Brick	Magnolia Ultra Dark Mortar

These are the current brick and mortar options. Additional brick and mortar for approved improvements or additions may be purchased through *Alabama Brick*.

### Exterior Trim Packages

Effective 1/1/14 -Benjamin Moore Paint

<b>Package A</b> Siding: HC-77 Alexandria Beige Trim: HC-80 Bleeker Beige Front Door & Shutter: 2112-10 Mink		<b>Package D</b> Siding: HC-21 Huntington Beige Trim: HC-92 Wheeling Neutral Front Door & Shutter: 1001 North Creek Brown	
<b>Package B</b> Siding: HC- 105 Rockport Grey Trim: Front HC- 104 Copley Grey Door & Shutter: 2137-30 Durango		<b>Package E</b> Siding: HC-105 Rockport Grey Trim: 1536 Northern Cliffs Front Door & Shutter: 2124-10 Wrought Iron	
<b>Package C</b> Siding: HC-83 Grant Beige Trim: 977 Brandon Beige Front Door & Shutter: HC - 85 Fairview Taupe		<b>Package F</b> Siding: Briarwood Trim: 1546 Gargoyle Front Door & Shutter: 2134-30 Iron Mountain	

The color packages are listed above. Residents are free to change from one package to another. Residents may use a single color for siding, trim, gutters and garage or mix colors from the selection given. Residents may not interchange colors from one package to another.

Original Color packages using Sherwin Williams paint may still be used.







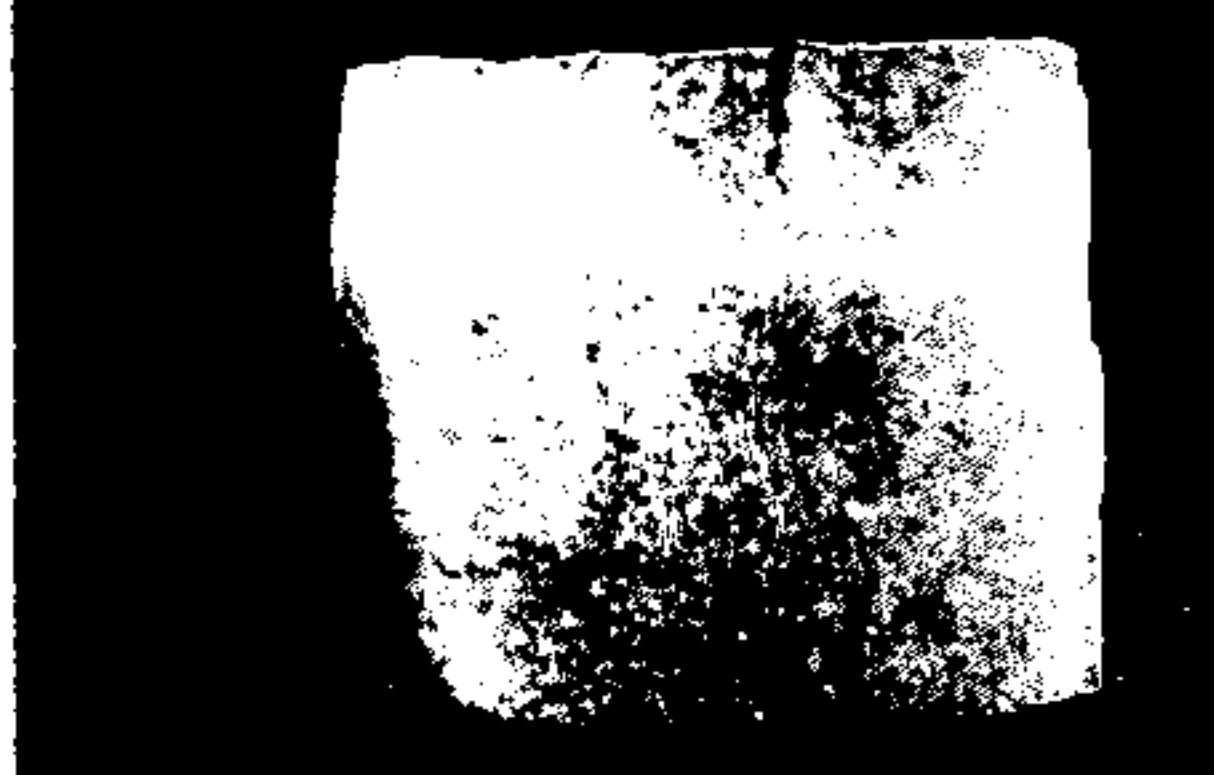
  
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Exhibit C

Approved edging for natural areas, flower beds, etc.

Vendor	Description	
Home Depot	5 ½ x 5 ½ x 1 1/13/16 Grey Tumbled Plaza Power Square Earth Blend	
Home Depot	8 ¼ x 5 ½ x 1 13/16 Grey – tumbled Plaza Power Square Rectangular Earth Blend	
Home Depot	A 939-226 Cobble Edger Charcoal Tan	
Lowe's	6in x 6 in Countryside Paver Tan/Brown	
Lowe's	12 x 3 Mirado Edger Tan	
Lowe's	6 x 6 Paver Light Brown	
Lowe's	8 x 4 Holland Paver Red/Charcoal	