



**Design Guidelines
Architectural Control/Design Requirements
Browning Creek
July 17, 2018**

Introduction

These guidelines are intended to aid in the planning and completion of any construction project or other lot alteration at Browning Creek. They are subject to change by the Architectural Review Committee when said committee deems such action necessary. Therefore, whenever any new project is undertaken, an updated copy of the design guidelines should be obtained for any changes or additional information concerning your plan.

Authority

The authority granted to the Architectural Review Committee (ARC) with respect to Rules and Regulations is described in Article VIII, Section 5 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Browning Creek. Section 5 reads as follows.

“The Architectural Review Committee (ARC) may from time to time adopt and promulgate such rules and regulations regarding the form and content of plans and specifications to be submitted to it for approval, and may publish and record such statements of policy, standards, and guidelines, and may establish such criteria relative to architectural styles or details, colors, setbacks, materials or other matters relative to architectural review and the protection of the environment, as it may consider necessary or appropriate. No such rules, regulations, statements, criteria or the like shall be construed as a waiver of the provisions of this Article or any other provision or requirement of this Amended and Restated Declaration. The decisions of the Architectural Review Committee shall be final except that any member who is aggrieved by any action or forbearance from the action by the Committee (or any policy, standard, or guideline established by the committee) may appeal the decision of the Architectural Review Committee to the Board of Directors, upon written request, such members shall be entitled to a hearing before the Board of Directors.”

Architectural Review Process

The Architectural Review Committee will review all design and plans for construction for consideration of primary site design issues, sensitivity to special landscape potential of the area, Excellence in architectural design. The Architectural Design Guidelines have been established to provide property owner, designers and contractors with a set of parameters for the preparation of their drawings and specifications.

Architectural Review Committee

Browning Creek is designed to be a unique community of single-family homes and garden homes. The power to approve or disapprove individual building plans is the responsibility of the Architectural Review Committee. The Committee does not seek to restrict individual creativity or preferences, but rather to maintain within the overall community the aesthetic relationships of the building to site and building to building. As the community matures, these prime relationships will become increasingly important aspects requiring resolution through the design process. Prior to the commencement of any construction activity of any type on any residential lot, an application for approval of such work must be submitted by the property owner or their respective agent to the Architectural Review Committee. Approval by the Committee must be received prior to the start of tree removal, grading or construction. All applications for approvals shall be sent to the Architectural Review Committee.

Pre-Application Research

It is the responsibility of the lot owner to acquaint his or her contractor, agents, and building team with the Architectural Review Committee and the Declaration of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Browning Creek.

Procedural Project Flow Chart

See Browning Creek Procedural Flow Chart attached to these Design Guidelines.

Application for Project Approval

See Browning Creek Application for Project Approval attached to these Design Guidelines. This document must be submitted for approval to the Architectural Review Committee. Before the ARC will consider any Application for Project Approval, the owner must be in good standing with the Browning Creek Homeowner's Association and all assessments owed to the Browning Creek Homeowner's Association must be current.

Preliminary Design Approval

Prior to the complete design of improvements requiring approval of the Committee, a preliminary review of the owner's plan shall be conducted to provide further design guidelines

and an indication of the designer's conformance with specific design requirements of the Committee.

Together with a completed copy of the application for approval, a PDF (electronic copy) of the following information will be required to be submitted to the Architectural Review Committee. Comments will be returned in a PDF (electronic copy) to the owner.

1. Site Plan drawn to scale showing the following:
 - a. All proposed structures, improvements, setbacks, existing trees (trees over 6" caliper measured four feet above natural grade) and natural amenities
 - b. North arrow and scale of 1"=20' or 1"=30'
 - c. Owner's name, present address, email and telephone number
 - d. Designer's name, or Owner's representative's present address and telephone number.
2. Grading Plan (preliminary) showing:
 - a. Topographic plan showing contours.
 - b. Contour plan showing cut and fill requirements.
 - c. Retaining wall locations and heights.
3. Floor Plans showing overall dimensions and area of structure. Area of heated and cooled area shall be shown. Drawing to be at a scale of ¼" =1'-0".
4. All major elevations front, rear, sides. Drawing to be at a scale of ¼"=1'-0".
5. Description of all exterior materials, roof materials and colors (Samples can be provided).
6. Photos of the building site.

Final Design Approval

A PDF (electronic copy) of the following information in addition to that required for the preliminary design approval will be required to be submitted to the Committee. The PDF marked approved, will be returned to the Owner upon completion of review.

1. Final site plan
2. Final grading and improvement plans.
3. Final floor plans.
4. Final elevations.
5. Final plans related to ancillary structures
6. Final specifications
7. Owner proposed construction schedule
8. Final Landscape design and working drawings. Note Landscape drawing shall be submitted to the Committee for approval, within the 60 days from the start of construction.

If construction has not started within 180 days from date of approval of plans the approval of the Architectural Review Committee is null and void and the owner must restart the process.

Deposits

The owner or contractor before beginning construction shall place a deposit with the Homeowner Association in an amount of \$1,000 as approved by the Board of Directors. The Homeowner Association at the completion of all work and or improvements shall refund \$750 of the deposit, if there is no damage by the owner or his contractors to common areas, private improvements or other lots within the community. Work and improvements shall include landscaping and acceptance by the Architectural Review Committee. All trash and debris shall be disposed of on a timely basis according to the Covenants of Browning Creek.

Building Site

The Architectural Review Committee shall consider each building site independently, but shall give extensive consideration to each individuals plan's impact upon adjacent home sites and view corridors. Care must be taken to locate each structure, whenever possible, so as not to infringe upon view corridors, adjacent structures and home sites, and natural amenities of the area. Consideration in this regard include:

1. Physical Terrain of the site
2. Views from the project site
3. Views to the project site from adjacent lots or lake, if applicable.
4. Natural amenities, existing landscaping, existing water and drainage channels.
5. Driveway access
6. Height of structures.

The owner shall submit photos of the site, to the Architectural Review Committee.

Drainage

Drainage consideration for individual sites play an important part of the overall ecological balance of the site. Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff can be directed the natural drainage areas or to the storm drainage facilities, and not burden adjacent lots.

Design Guidelines

1. Mail Boxes: All mailboxes are standardized by Browning Creek. These can be ordered through Tupelo Hardware, Tupelo, MS. Phone number 662-842-4637. Decals for street numbers on mailboxes are also available Tupelo Hardware, Tupelo, MS.
2. Building setbacks: Building set backs are as follows:
 - a. Front set back 35' form edge of right of way.

- b. Rear set back from edge of Lake 50’.
 - c. Side set back 10’ from property line.
 - d. 20’ easement off of and across each side of a lot which is adjacent to a street or right of way.
 - e. Driveway setback is 10’ from interior lot lines.
 - f. For some building lots within the community it may be impossible or inadvisable to develop setback requirements according to the standards due to natural terrain, lot configurations and or proximity of adjacent structures. Therefore the Committee may approve specific deviations to these setbacks which it believes is benefice to a specific home site or to adjacent home sites.
3. Minimum Square footage: The minimum square feet of heated and cooled living area to be contained within the main house or residential structure constructed on any Lot in a platted subdivision or in an unplatted area in Browning Creek shall be 2,200 square feet; provided, however, that in Lake Retreats Subdivision, Phases 1, 2, and 3, the minimum square feet of heated and cooled living area to be contained within the main house or residential structure shall be 1,600 square feet. Provided, further, however, that the Architectural Review Committee may grant a variance from these requirements in case of a Lot of inadequate size
4. Driveways and Parking: Material for all driveways and or parking areas must be approved by the ARC. Types of materials must be shown on the site plan submitted to the ARC. Gravel parking driveways may be considered on an individual basis.
5. Garages: All homes are required to have garages. All homes must have garage doors, either wood or metal doors. Most lots in Browning Creek have been designed with enough width to permit side-loading garages. The Architectural Review Committee will approve front loading garages only where lots are smaller and side garages will not work.
6. Roofs:
- Pitch of roof shall be minimum of 6 in12. Pitch over porches may be lower but must be approved by the ARC.
 - Roofing
 1. Asphalt shingles shall be minimum 30 year Architectural Style Shingles.
 2. Metal Roofing shall be standing seam, color to be approved by ARC.
 3. Wood cedar shake roof
 4. Select Slate Roof

7. Exterior Materials:

- Walls
 1. Brick, Painted Brick, Parged Brick
 2. Hardy Board siding Trim
 3. Stucco no EFIS allowed
 4. No vinyl siding is allowed except on trim work and soffits.
- Windows
 1. Winsor Legend series preferred for streetscape
 2. Marvin Wood or clad
 3. JELD-WEN Wood or clad
 4. Pella wood or clad
 5. Weather shield wood or clad
 6. Equal windows will be considered.

8. Storage Buildings:

- Storage buildings on concrete slab and need to match style of house, in colors and materials.
- All storage building on new construction must be show on site plan at time of submitted to ARC.

9. Landscaping: Landscaping plans must be submitted within 60 days after construction has begun. Landscape installation must include the entire perimeter of the house, am material list, lighting detail, deck detail and fence detail must be included. These plans are to be submitted in a PDF (electronic copy).

10. DSS Location: The location of all DSS TV dishes should be included on all house and landscape plans. Due to the individualistic nature of each house plan, the Architectural Review Committee must approve any dish location, and landscape coverage must be sufficient to hide the dish from both street and Lake.

11. Boat Slips And Or Boat Houses: All boat slips and or boathouses shall be located inside the lot waterline. Boathouses shall not exceed 18' in height. Roof overhang from boathouse must be at least 10' from side property line.

12. Walls and Fences: Walls and fences should be considered as an extension of the architecture of the residence. They serve to make a transition between the mass of the architecture and the natural forms of the site. All walls and fences should be designed to be compatible with the total surrounding environment and should not block natural views. Fences, walls and hedges should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well

as security and privacy elements. All walls and fences must be approved by the Committee prior to their installation.

13. Exterior Lighting: Electrical service to lots from the street shall be underground. Exterior pool and landscape lighting must be approved by the Architectural Review Committee prior to installation. All exterior lighting must be approved by the Committee.
14. Remodeling and Additions: Remodeling and addition to existing improvements are required to meet the same criteria as new construction. All criteria concerning aesthetics, color, site location, landscape, grading and excavations, roofs, height limit, solar collectors, satellite television dishes, setbacks, lighting, etc., will be of concern to the Architectural Review Committee. An approval from the Committee is required for this work, as it is for new construction.
15. Tennis Courts: Tennis courts must be located so that they will not infringe upon view corridors. Courts should be naturally screened from adjacent home sites and wind screens should be kept to moderate heights. Design and color of fencing materials should blend naturally into the surrounding area and plant materials should be added where necessary to soften the visual impact. Surface colors should be restricted to colors such as soft reds and greens and not intrude upon adjoining property. The Architectural Review Committee suggest that the tennis court be setback a minimum of 25' from the property line. An approval from the Committee is required for this work. Lighting must not infringe on adjacent neighbors.
16. Pools, Therapy Pools and Spas: The location of swimming pools, therapy pools and spas (including hot tubs) should consider indoor outdoor relationships, setbacks, wind, sun and terrain. The size, shape and siting of swimming pools must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man made element. Pool equipment enclosures must be architecturally related to the house and other structures in its placement, mass and detail. An approval from the Committee is required for this work.

The design Guidelines noted above are not intended to amend, alter, or supersede the Declaration of Covenants, Conditions and Restrictions for Browning Creek, as recorded in the Chancery Clerk's Office of Oktibbeha County. In the event these guidelines conflict with said declaration, the declaration shall control.

No approval of plans and specification, nor these design guidelines shall ever construed as representing or implying that a structure is properly designed. Such approval and standards shall in no event be construed as representing or guaranteeing that any structure will be built

in a good workmanlike manner. It is the sole responsibility of the lot owner to make sure that construction meet the criteria of Browning Creek Covenants, design guidelines and the current

Construction:

All construction shall be completed within 365 days from start of construction. Work shall not begin until owner has submitted a schedule for duration of construction and paid the construction deposit.

General Rues for Owners:

The following rules shall apply to all Browning Creek Owners.

1. No building, fence, wall, pool, or other structure shall be commenced, erected, placed, altered, or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made until the proposed plans and specifications showing the nature, kind, shape, height, materials, exterior color or finish, plot plan showing the proposed location of such building or structure, drives and parking areas, landscape plan, and construction schedule shall have been submitted to and approved in writing by the Architectural Review Committee designated by the Board of Directors.
2. No alteration in the exterior appearance of any building or structure shall be made without like approval from the Architectural Review Committee.
3. Refusal of approval of plans, specifications, or location may be based by the Architectural Review Committee upon any ground, including purely aesthetic considerations, so long as they are not arbitrary and capricious.
4. Building locations on waterfront Lots are set forth in Section 3 of Article IX. The Architectural Review Committee shall establish the location of and the size of all buildings to be constructed on all zero Lot line Lots and on all patio and cluster Lots.
5. Each Dwelling constructed on a Lot in Browning Creek is encouraged be built in accordance with the standards and specifications of 4-County Electric Power Association's "Power Plus" program, as now in existence or hereafter amended; it being the intention of the Association that Browning Creek be primarily an "all electric" development. Any and all propane tanks must be buried in a location approved by the Architectural Review Committee.
6. The topography of the Property shall not be altered by removal, reduction, excavation, filling, or any other means without the prior written approval of the Architectural Review Committee. Written approval will be granted for the minimum amount of earth movement required in plans and specifications approved pursuant to the provisions of the Amended and Restated Declaration.
7. No trees or shrubs with a diameter of six inches or more may be removed from a Lot prior to the building of a new home thereon without the written approval of the Architectural Review Committee. Approval for the removal of trees located within the proposed site for the main dwelling, accessory building, or within ten (10) feet of the

approved site for such building(s) will be granted unless such removal will substantially decrease the beauty of the Property.

8. To secure the natural beauty of the Property, the Architectural Review Committee may promulgate and amend from time to time rules and regulations, which will govern activities, which may, in its judgment, be environmental hazards, such as the application of fertilizers, pesticides, or other chemicals. Failure of any Property Owner or tenant of Property in Browning Creek to comply with the requirements of such rules and regulations shall constitute a breach of this Amended and Restated Declaration.
9. To prevent excessive "run" or drainage from any Lots, the Board of Directors and/or the Architectural Review Committee shall have the right to establish a maximum percentage of Property which may be covered by a building, patio, driveway, or other structures. In the establishment of such maximum percentage, the Board of Directors and/or the Architectural Review Committee shall consider topography, percolation rate of the soil, soil types and conditions, vegetation cover, and other relevant environmental factors. The said right or any other right held by the Board of Directors and/or the Architectural Review Committee shall not be construed, however, to be an obligation of the Board of Directors and/or the Architectural Review Committee and/or the Association to take any action.
10. To preserve the natural character of Browning Creek, there is hereby established construction and clearing restrictions on all properties which front on the lake, and that portion of the Property comprising the lake, swamp, and flooded area (hereinafter collectively referred to as "lake") shall be preserved substantially in its present natural state except for moderate clearing for view and breeze, as approved by the Architectural Review Committee. Notwithstanding the foregoing, the Association, together with its successors and assigns, shall have the right to exempt properties from said construction and clearing restrictions in those cases where the Architectural Review Committee, in its discretion, determines, in a manner neither arbitrary nor capricious, that such exemption will not materially lessen the natural appearances and scenic beauty of the lake or determines that such exemption is necessary to protect the shoreline from erosion or from pollution.
11. Except for buildings constructed on zero Lot line Lots and patio and cluster Lots, no house sites, no building or other structure shall be constructed or maintained on any Property within fifty (50) feet of the lake, and no parking areas designated to accommodate more than two automobiles shall be constructed or maintained on any Property within seventy-five (75) feet of the lake with the exception of boathouses constructed and approved by the Architectural Review Committee.
12. In Common Areas and Green Space, no building or other structures shall be constructed or maintained within twenty (20) feet of the lake, and no parking areas designated to accommodate more than two automobiles shall be constructed or maintained within forty (40) feet of the lake, except for boathouses and recreational facilities constructed by the Association and/or approved by the Architectural Review Committee.

13. All boat houses and piers shall be constructed in accordance with the design and building criteria adopted by the Architectural Review Committee, and the location and extension of same into the lake shall be approved by the Architectural Review Committee prior to commencement of construction; provided however, that all piers and docks shall be constructed within the extended boundaries of the side Lot lines, and that, in no event, shall any structure extend into the lake more than twenty-two (22) feet from the existing natural water line of the Lot.
14. The Owner of a waterfront Lot shall maintain the shoreline of that Lot according to the shoreline stabilization criteria adopted by the Architectural Review Committee or such other plan as may be submitted by the Owner and approved by the Architectural Review Committee.
15. In the event such Owner of a waterfront Lot shall fail to maintain the shoreline thereof as required, the Association shall have the option, but not the obligation, to stabilize said shoreline in accordance with the shoreline stabilization criteria adopted by the Architectural Review Committee and charge the cost of said work to the Property Owner as a special assessment against that Owner 's Lot.
16. No chain-link fences shall be permitted within the development unless approved by the Architectural Review Committee.
17. No projections of any type shall be placed or permitted above the roof of any improvement except approved chimneys or vents or other objects as may be approved by the Architectural Review Committee.
18. Each Property Owner, except those owning a Lot in Lake Retreats Subdivision, Phases 1, 2, and 3, shall provide a screened area to serve as a service yard and an area in which garbage receptacles or similar storage receptacles, electric and gas meters, air conditioning equipment, and other unsightly objects must be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance, and location must be approved by the Architectural Review Committee prior to construction.
19. Except for uniform mail boxes and house numbers approved by the Architectural Review Committee and such signs as may be required by legal proceedings, no signs, advertising, or ornaments of any kind shall be maintained or permitted within any windows, on the exterior of any windows located within the development or elsewhere or any portion of the Property by anyone, except with the written approval of the Board of Directors of the Association.
20. No tent, trailer, barn, storage building, or other similar outbuilding or structure, other than a boathouse on lakefront Lots, shall be placed on any Lot or on any other area at any time, either temporarily or permanently, without prior approval of the Architectural Review Committee.
21. Any storage building added to any Lot after January 1, 2016, shall be constructed on a concrete slab, with exterior materials and roofing being of the same materials as the

home on that Lot, and with paint being of the same colors as those of the home on that Lot.

22. Each Owner shall provide for parking for at least two automobiles for each Lot owned. All automobiles owned or used by Owners or occupants other than temporary guest and visitors shall, as far as possible, be parked in enclosures which screen the automobile from street view.
23. No television antenna, satellite dish (unless located on the row of a dwelling in a location thereof approved by the Board of Directors) , radio receiver, or similar device shall be attached to or installed on any portion of the Property, unless contained entirely within the interior of a building or other structure, nor shall radio or television signals or any other form of electromagnetic radiation be permitted to originate from any Lot which may unreasonably interfere with reception or other signals within the Property.
24. The design and location of landscape lighting fixtures shall be subject to the approval of the Architectural Review Committee. Neither these nor any other illumination devices, including but not limited to Christmas ornaments, shall be located anywhere on the structure or grounds of any Lot in such a manner as to adversely illuminate or affect the nighttime environment of any adjoining Property.
25. No animals, water fowl, livestock, or poultry of any kind, shall be raised, bred, kept, staked, or pastured on any Lot, or in the Common Area, except dogs, cats, birds, or other household pets which shall be kept and maintained in accordance with the rules and regulations adopted from time to time by the Board of Directors; provided, however, that horses may be kept on a Lot if approval therefor is obtained from the Board of Directors. If any permitted household pet leaves the Lot of its Owner, the pet shall be on a leash.
26. No Lot less than five (5) acres in size shall hereafter be subdivided or its boundary lines changed, except that a Lot consisting of two or more Lots previously combined may be subdivided into the originally platted Lots and upon the terms and as provided in the following Section 12 regardless of the combined Lot size. So long as the Association or its successors and assigns owns any Lots subject to the Amended and Restated Declaration, however, the Association, together with its successors and assigns, shall have, and is hereby expressly granted or reserved, the right to replat any such Lot or Lots owned by it, as shown on the recorded plat or recorded map of any subdivision within Browning Creek, and to take such other steps as are reasonably necessary to make such replatted Lot suitable and fit as a building site, including, but not limited to, the relocation of easements, walkways, rights of ways, and other amenities to conform to the new boundaries of said replatted Lots. Hereafter, the provisions of this Section 11 shall not prohibit the combining of two or more adjacent Lots into one larger Lot or making two Lots out of three or more adjacent Lots; provided, however, that adjacent Lots having the same owner may hereafter be combined into one Lot only upon the express approval of the Board of Directors; and provided, further, however, that the

owner of combined adjacent Lots must pay annual assessments, road assessments, and special assessments on each of the combined Lots.

27. Except as herein provided, no water wells shall be permitted on any Lot, and no plans and specifications for such water wells shall be approved by the Architectural Review Committee unless such plans and specifications provide that the Lot will be served by the community water and sewer system serving the Property.
28. A Lot containing one (1) or more acres, may have an individual sewer treatment system, provided that such system is approved by and is in compliance with all rules and regulations of all federal, state, county, and local authorities having jurisdiction over the use of such system, and further provided that the use thereof is approved by the Architectural Review Committee.

General Rules for Contractors and Service Personnel

The following rules shall apply to all Browning Creek owners, contractors and service personnel while on the premises of Browning Creek.

1. **NO** construction shall begin until the construction deposit has been paid to the Browning Creek Homeowners Association.
2. No material or equipment deliveries are allowed through the main Oktoc Road entrance. All material and equipment deliveries are required to enter through the Robinson Road entrance.
3. All construction traffic is required to enter through the Robinson Road entrances.
4. Contractors are required to keep their job sites as neat and clean as possible. Trash and discarded materials will be removed daily. All trash stockpiled for removal shall be located on street side of lot until removed. There will be no stockpiling or dumping on adjacent lots or on streets. Trash not removed will be removed and owner will be billed for the removal.
5. Contractors will use on the utilities provided on the immediate lot upon which they are building.
6. Any damage to roads, drainage inlets, street lights, street markers, mailboxes, wall, etc. will be repaired by Browning Creek and such cost for this repair shall be billed to the responsible lot owner or contractor, or taken from the damage deposit.
7. The established speed limit within the community is 25 miles per hour for construction vehicles including light trucks and automobiles. This speed limit must be adhered to.
8. There will be no washing of any truck on the streets. Any concrete delivery truck washed out must be on the construction site.
9. Operators of vehicles are required to see that they do not spill any damaging materials while within the community; and, if spillage of load occurs, operators are responsible for cleaning it up. Cost for cleanups done by Browning Creek will be billed to the responsible party, or taken from the damage deposit.

10. If any telephone, cable, electrical, water, sewer, etc. lines are cut or damaged it is the responsibility of the contractor to report such an accident to the service company within 30 minutes of the occurrence.
11. All personnel working in the community are required to insure that they will keep all areas in which they work or travel free of discarded materials such as lunch bags and odd materials. Objects should not be thrown out of cars and trucks. Stockpiling of materials on adjacent lots is not allowed.
12. Loud radios or noise will not be allowed within the subdivision. This is distracting and discomforting to the property owners. Normal radio levels are acceptable. Do not mount speakers on vehicles or outside of homes under construction.
13. No shortcuts across adjacent lots is allowed.
14. No vehicle (trucks, vans, cars, etc.) may be left in the subdivision overnight. All construction equipment and vehicles may be left on the site while needed, but must not be kept on the street.
15. Only bona fide workers are allowed on the property. Wives may drive workers to the site and pick them up, but must not remain on the property unless they are actual employees of the contractor. No children will be permitted on the property.
16. No contractor or contractor's personnel will be permitted to hunt, fish or bring pets or boats on lake property or owner's property.
17. Contractor will provide portable toilets on the job site.
18. Prior to any construction the contractor must have a certificate of insurance with the limits of \$500,000 liability and workers compensation.
19. No temporary storage trailers or buildings are allowed.

Browning Creek intends to enforce these regulations for the protection of all owners. Failure to abide by these rules may result in the loss of the contractor's privilege to do work in Browning Creek and the forfeiture of the construction deposit.